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December 3, 2018

File: W2018C0005

Ms. Claudine Lee  
Dominion Diamond Ekati ULC  
900-606 4 Street SW  
Calgary, Alberta T2P 1T1

Dear Ms. Lee,

**ISSUANCE OF A TYPE "A" LAND USE PERMIT**

Land Use Permit No. W2018C0005 is granted by the Wek'èezhì Land and Water Board (WLWB) in accordance with the *Mackenzie Valley Resource Management Act*. A copy of this Permit has been filed on the Public Registry of the WLWB. The WLWB approved Land Use Permit W2018C0005 for a period of five (5) years commencing October 24, 2018 and expiring October 23, 2023.

Please read all conditions carefully and note that as per Land Use Permit Condition #45, a security deposit in the amount of \$43,932.00 shall be provided to the Government of the Northwest Territories, Department of Lands, North Slave Regional Office, 140 Bristol Ave, Yellowknife, NT, X1A 3T2. Please send a copy of the security deposit receipt to the WLWB office prior to the commencement of operations.

As described further in the attached Reasons for Decision, the Board has provided additional direction regarding Dominion Diamond Ekati ULC (Dominion)'s collaboration with the Government of the Northwest Territories Environment and Natural Resources (GNWT-ENR) and the Wek'èezhì Renewable Resource Board (WRRB), regarding spill contingency planning, waste management, and wildlife management.

Please be advised that this letter, with attached procedures, all inspection reports, and correspondence related thereto, are part of the Public Registry, and are intended to keep all interested parties informed of the manner in which the Permit requirements are being met. All Public Registry material will be considered if an amendment to the Permit is requested.

The full cooperation of Dominion is anticipated and appreciated. If you have any questions or concerns, please contact Meghan Schnurr at (867) 765-4590 or email [mschnurr@wlwb.ca](mailto:mschnurr@wlwb.ca).

Yours Sincerely,

A handwritten signature in blue ink, appearing to read "Joe Mackenzie".

Joe Mackenzie  
Chair, Wek'èezhìi Land and Water Board

Attachments: Reasons for Decision

Copy to: Ekati Distribution List



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**Reference/File Number:** W2018C0005 (Type "A" Land Use Permit)  
**Applicant/Licensee/Permittee:** Dominion Diamond Ekati ULC (Dominion)  
**Subject:** Mineral Exploration on Ekati Leases and Claims

## **Decision from the Wek'èezhìi Land and Water Board Meeting of October 24, 2018**

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### **1.0 Decision**

On October 24, 2018, the Wek'èezhìi Land and Water Board (WLWB or the Board) met to consider the Land Use Permit Application W2018C0005 for the purpose of mineral exploration on Dominion Diamond Ekati ULC (Dominion) Leases and Claims, submitted by Dominion on September 4, 2018.

The Board has determined that the activities listed in the Land Use Permit Application W2018C0005, except the exploration camp and fuel storage activities, are exempt from preliminary screening, in accordance with the Exemption List Regulations. The Board also approved the Preliminary Screening Determination and its Reasons for Decision for the exploration camp and fuel storage activities described in this Type A Land Use Permit W2018C0005.

After reviewing the submission by the Applicant, the written comments received by the Board, and the Preliminary Screening, the Board, having due regard to the facts and circumstances, the merits of the submission made to it, and to the purpose scope, and intent of the MVRMA and Regulations made thereunder, has issued Land Use Permit W2018C0005 for a period of five years.

In addition, the Board:

- Requires Dominion to work with the GNWT to ensure spill kits meet the GNWT's recommendation, prior to the 2019 annual review of the Spill Contingency Plan;
- Requires Dominion and the GNWT to discuss whether an update to the Waste Management Plan is required in consideration of the NWT Environmental Guideline for Industrial Waste Discharges, prior to the 2019 annual review of the Waste Management Plan;
- Requests Dominion to work collaboratively with the GNWT-ENR and WRRB on wildlife management aspects of the Project; and

- Requires Dominion to deposit the amount of \$43,932.00 for security, as required by Condition 45 of Land Use Permit W2018C0004.

The Board has set out its reasons for these decisions below.

## **2.0 Background**

The Wek'èezhii Land and Water Board (WLWB) issued Land Use Permit W2013C0005<sup>1</sup> to Dominion Diamond Ekati Corporation on October 24, 2013 for a period of five years, expiring October 23, 2018.<sup>2</sup> Permit W2013C0005 authorized activities previously authorized by Permit MV2002C0040.<sup>3</sup> Permit W2013C0005 authorized mineral exploration, winter road construction, diamond drilling, large-diameter RC drilling, geochemical and geophysical Surveys, use of vehicles and machines including earth-moving equipment.

On December 20, 2017, the company underwent a name change, the Permit was updated on January 24, 2018, to incorporate the company's new name change from Dominion Diamond Ekati Corporation to Dominion Diamond Ekati ULC.<sup>4</sup>

On September 4, 2018, the WLWB received a Land Use Permit Application<sup>5</sup> for exploration activities at the Ekati site. The proposed activities remain largely the same as those previously authorized by Permit W2013C0005 (i.e., to conduct diamond drilling, large-diameter reverse circulation drilling, geochemical and geophysical Surveys, winter road construction, and the use of vehicles and machines including earth-moving equipment), however, Dominion has proposed the inclusion of establishing and operation and maintenance of a camp, and the establishment of a petroleum fuel storage facilities. The proposed activities are located within Ekati's Claim Block outside of the developed areas of the Ekati Diamond Mine.

The Application and a draft Land Use Permit (the Draft Permit) were distributed for review on September 13, 2018 inviting reviewers to provide comments and recommendations using the Online Review System (ORS). Preliminary screenings are required under section 124 of the *Mackenzie Valley Resource Management Act* (MVRMA). Dominion requested that part of the Application be exempt from the preliminary screening pursuant to Schedule 1 (Section 2), Part 1, paragraph 2(b) of the Exemption List Regulations. Reviewers were encouraged to provide comments and recommendation (e.g., on impacts and mitigation measures) to assist with the completion of the preliminary screening.

Reviewer comments were due by October 4, 2018. Comments were submitted by the Government of the Northwest Territories Education, Culture and Employment (GNWT-ECE), the Government of the Northwest Territories Environment and Natural Resources (GNWT-ENR), the Government of the Northwest Territories Department of Lands (GNWT-Lands Inspector), the Independent Environmental Monitoring Agency (IEMA), the Wek'èezhii Renewal Resources Board (WRRB), and Wek'èezhii Land and Water Board staff. Environment and Climate Change Canada (ECCC) and the Government of the Northwest Territories Department of Lands (GNWT-Lands) each stated that they had no comments. Proponents' responses were due October 11, 2018. Reviewer comments and recommendations, as well

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<sup>1</sup> See WLWB Online Registry for [W2013C0005 - Ekati Exploration - Land Use Permit - Oct 24 13.pdf](#)

<sup>2</sup> See WLWB Online Registry for [W2013C0005 - Ekati Exploration - Land Use Permit - Reasons for Decision and Supporting Docs - Oct 24 13.pdf](#)

<sup>3</sup> See WLWB Online Registry for [MV2002C0040 Type A Permit - Oct10-02 to Pct9-07.pdf](#)

<sup>4</sup> See WLWB Online Registry for [W2013C0005 - Ekati Exploration - Land Use Permit - Jan 25 18.pdf](#)

<sup>5</sup> See WLWB Online Registry for [W2018C0005 - Ekati Exploration - LUP Application - Sep 4 18.pdf](#)

as Proponent responses are available on the WLWB online registry (see Review Summary and Attachments).<sup>6</sup>

In addition, Board staff note that within its pre-submission engagement, Fort Resolution Metis Council (FRMC) included several recommendations which were considered by the Board.<sup>7</sup>

### **3.0 Reasons for Decision**

#### **3.1 Preliminary Screening**

On October 11, 2002, a preliminary screening was completed for Permit MV2002C0040.<sup>8</sup> Dominion identified in its cover letter that the activities, with the exception of the exploration camp and fuel storage activities, remain the same. Dominion has requested the Board determine the activities outlined in the Application excluding the exploration camp and fuel storage activities, be exempt from preliminary screening. None of the parties provided comments on this request for exemption from preliminary screening. The Board has determined that the activities outlined above do not require a preliminary screening, pursuant to Schedule 1 (Section 2), Part 1, paragraph 2(b) of the Exemption List Regulations pursuant to subsection 143 (1) of the MVRMA.

- ***The Board has determined that the activities listed in the Land Use Permit Application W2018C0005, except the exploration camp and fuel storage activities, are exempt from preliminary screening, in accordance with the Exemption List Regulations.***

The Board has conducted a Preliminary Screening<sup>9</sup> for those activities not previously considered in the October 11, 2002 Preliminary Screening.

The WRRB commented that the potential impacts and mitigations for the drilling operations are included in Section 7 of the Application, however the Application does not list impacts or mitigation measures for the operation of a 30-person camp, construction and operation of a winter road or establishment of a bulk fuel storage facility (WRRB comment 2). As described in the Preliminary Screening, the Board believes that the Spill Contingency Plan, Waste Management Plan, and relevant Permit conditions will mitigate impacts of the proposed camp and fuel storage.

In consideration of the proposed mitigations, the various management plans, and Permit conditions, the Board confirmed that the scope of activities for Dominion are common for mineral exploration and believed the development is not likely to have a significant adverse impact on the environment or be a cause for public concern.

- ***The Board has approved the Preliminary Screening Determination and its Reasons for Decision for the exploration camp and fuel storage activities described in this Type A Land Use Permit W2018C0005.***

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<sup>6</sup> See WLWB Online Registry for [W2018C0005 - Ekati Exploration - LUP Application - Review Summary and Attachments - Oct 12 18.pdf](#)

<sup>7</sup> See WLWB Online Registry for [W2018C0005 - Ekati Exploration - LUP Application - Sep 4 18.pdf](#); pg. 23

<sup>8</sup> See WLWB Online Registry for [LUP-Iss-Oct02.pdf](#); pg. 10

<sup>9</sup> See WLWB Online Registry for [W2018C0005 - Ekati Exploration - Preliminary Screening - Oct 24 18.pdf](#)

### 3.2 Land Use Permit

The Board, having reviewed the recommendations made by the GNWT-ECE, GNWT-Lands Inspector, IEMA, and WRRB, believes the Permit contains conditions that are sufficient to mitigate potential impacts. The reasons for this decision are provided in further detail below.

➤ ***The Board has issued Land Use Permit W2018C0005 for a period of five years.***

#### 3.2.1 Permit Scope

The Draft Permit with the following scope was provided during the public review:

- a) Operation and maintenance of a camp;
- b) Diamond drilling, large-diameter reverse circulation drilling, geochemical and geophysical Surveys;
- c) Winter road construction;
- d) Use of vehicles and machines including earth-moving equipment; and
- e) Establishment of a petroleum fuel storage facilities.

No comments and/or recommendations were received with regards to the scope of the Draft Permit.

#### 3.2.2 Standard Permit Conditions

During the public review, the Inspector, recommended the inclusion of two additional conditions (GNWT-Lands Inspector comment 1):

**Spring Break-Up** – The Board, for the purpose of this operation, designates \_\_, as spring break-up.

**Fuel Containment** – The Permittee shall not allow petroleum products to spread to surrounding lands or Watercourses.

In response, Dominion supported the inclusion of the standard condition for Fuel Containment and requested the Board designate May 31 as the spring break-up date. The Board has included the recommended conditions for Spring Break-Up (Condition 8) and Fuel Containment (Condition 49) in the Permit.

During the public review, the GNWT-ECE, recommended the incorporation of the following two conditions (GNWT-ECE comment 1):

**Archaeological Overview** – At least \_\_ days prior to any new land disturbance, including new drill sites, the Permittee shall conduct an Archaeological Overview to identify areas of high and low potential for archaeological and burial sites and shall submit a summary report to the Board and the Prince of Wales Northern Heritage Centre.

**AIA – High Potential** – Prior to disturbance in areas of high potential for archaeological or burial sites identified in the Archaeological Overview, the Permittee shall conduct an Archaeological Impact Assessment of the sites where disturbance is planned and shall submit a summary report to the Board and the Prince of Wales Northern Heritage Centre.

The Board notes that the referenced conditions (Archaeological Overview (Condition 42) and AIA-High Potential (Condition 43)) were already included in the Draft Permit and have been included in Permit W2018C0005.

### **3.2.3 Non-Standard Permit Conditions**

#### Approved Equipment

The standard condition for Approved Equipment was included in the Draft Permit:

**Approved Equipment** – The Permittee shall not use any equipment except of a similar type, size, and number to that listed in the complete application.

Reverse circulation drilling was identified as an activity in the Application, however a reverse circulation drill was not included in the equipment list submitted. Dominion identified this in its ORS comments and provided details on the proposed reverse circulation drill (Dominion comment 1). The Board believes reviewers had the opportunity to consider this activity during the public review. The Board included the following non-standard condition to ensure this equipment is authorized (Condition 9):

**Only Approved Equipment** – The Permittee shall not use any equipment except of a similar type, size, and number to that listed in the complete application or subsequently identified by the Permittee in the public review.

#### Camp Location

The MVLWB *Guide to the Land Use Permitting Process*,<sup>10</sup> requests a proponent provide the following if a camp may need to be set up:

- iii. square footage of the structures and number of personnel stationed in the camp;
- iv. water sources and volumes (maximum volume of water to be used per day) required to support the camp.

The Board recommended that Dominion confirm the square footage of the structures, as well as the water sources and volumes (maximum volume of water to be used per day) required to support the camp (WLWB staff comment 2). Dominion responded that the exact structures and configuration to be used for the camp are not yet determined. Dominion stated that weather heavens or prospecting tents will be used (10x20 and 20x30) and the total area for the camp is less than 1 hectare.

The Application identified that the camp location had not yet been determined, however provided a map that identified two large areas within which the camp would be located. Because a camp location is not yet finalized, the Inspector recommended the condition ‘Inspect Location’ be added to the Permit (GNWT-Lands Inspector comment 1).

**Inspect Locations** – Prior to the commencement of the land-use operation, the Permittee shall accompany an Inspector during an inspection of the proposed land use area.

In response, Dominion identified that the condition “Inspect Locations” would not allow Dominion to commence any activities under the Permit without an inspection of the proposed land use area. Dominion stated that they need to begin activities within the land use area before the camp location is finalized. Dominion requested to the Board to revise the wording of the condition to read:

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<sup>10</sup> See WLWB ([www.wlwb.ca](http://www.wlwb.ca)) Policies and Guidelines web page for MVLWB (2013) *Guide to the Land Use Permittee Process*, p.15, section 5.b

The Permittee shall submit the location of the exploration camp to the Board and the Inspector at least 10 days in advance of the establishment of the camp.

The Board notes that the condition proposed by Dominion does not require an inspection of the proposed camp location, as requested by the Inspector. In order to allow additional activities to commence prior to the finalization of a camp location and allow the Inspector to inspect the proposed camp location to ensure an appropriate location has been selected, the Board included the following non-standard condition (Condition 4).

**Inspect Camp Location** – Prior to the establishment of the camp, the Permittee shall accompany an Inspector during an inspection of the proposed land use area.

The Board notes that Dominion should consider any recommendations received in its determination of the final camp location.<sup>11</sup>

#### Annual Work Plan

As outlined in Section 5.a of the MVLWB *Guide to the Land Use Permitting Process*, the Board requested that Dominion confirm the maximum number of drill holes, the frequency of drilling, and a description of the general locations of the drill holes (WLWB staff comment 1). In response, Dominion stated that the maximum number of drill holes is unknown at this time, drilling will occur year-round, but that the general locations are not yet determined.

This issue was raised previously with the issuance of Permit W2013C0005, at which time several parties recommended that an annual work plan be required. Due to the large land use area, the lack of detailed information regarding equipment and chemicals, the uncertainty of drill target locations, and Dominion's willingness to submit annual work plans,<sup>12</sup> the Board included the following condition in Permit W2013C0005:

**Annual Work Plan** – Prior to October 15 of each year, the Permittee shall submit an Annual Work Plan to the Board for approval. The Annual Work Plan shall provide a description of land use activities planned for the upcoming 12 months, including but not limited to: land disturbance, equipment, chemicals, potential impacts and mitigation measures that may differ from the information provided in the complete application, and a summary of work completed in the preceding 12 months.

This W2013C0005 condition was included in the Draft Permit. While no reviewer provided comment on its inclusion, Dominion requested it be removed from the Permit (Dominion comment 1):

This condition poses a challenge for Dominion as it is very difficult to know with certainty prior to October 15 of each year the details for exploration activities of the upcoming year. At this time of year, the summer program has just been completed and the data collected is only beginning to be reviewed or analyzed.

Dominion requests the removal of this condition from the permit. The land use permit allows for the activities to be conducted and the methods being used for

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<sup>11</sup> The Engagement Log identified that the Fort Resolution Metis Council (FRMC) recommends the use of the location North of Sable for the camp location.

<sup>12</sup> See WLWB Online Registry for [W2013C0005 - Ekati Exploration - Land Use Permit - Reasons for Decision and Supporting Docs - Oct 24 13.pdf](#)



drilling and associated information have been presented in the permit application and reviewed during the approval process. Furthermore, Condition 2 of the draft permit requires that Dominion submit the drilling locations to the Board and the Inspector prior to undertaking the work. Dominion is not opposed to the submission of an Annual Summary Report to the Board and the Inspector but suggests it may be more appropriate to have this submission occur 60 days after the conclusion of the summer program.

The Board recognizes the challenge Dominion has identified with respect to providing certainty on the drill program for the upcoming year. This is evident from the discrepancies previously identified between the Annual Workplan and reporting the following year.<sup>13</sup> As Dominion identified, Condition 2 of the Permit requires Dominion to notify the Inspector and Board of drill locations prior to the commencement of drilling. In addition, Conditions 8 [Only Approved Equipment] and 25 [Chemicals], regulate Dominion's use of equipment and chemicals. The Board believes the Permit contains conditions that are sufficient to mitigate any potential impacts.

As Dominion has suggested, the Board has included the following non-standard condition (Condition 60):

**Annual Summary Report** – Within 60 days of the completion of the summer drilling program, the Permittee shall submit an Annual Summary Report to the Board, which summarizes the work completed in the preceding 12 months.

The Board has received the 2019 Annual Work Plan<sup>14</sup> submitted in accordance with Condition 56 of Permit W2013C0005, posted it to the registry but has not yet considered the submission. If parties wish to initiate a public review of this document and the Board to formally consider this submission, please contact Board staff.

#### Fuel Storage

The GNWT-ENR recommended that the fuel storage areas should be 100m distance from the high water-mark and not located in a drainage channel (GNWT-ENR comment 9). Dominion identified that the Draft Permit included a condition to address this. The Board note that the standard condition (Fuel Near Water, Condition 46) does not address drainage channels and have included the following non-standard condition in the Permit:

The Permittee shall not place any Fuel Storage Containers or Tanks within 100 metres of the Ordinary High Water Mark of any Watercourse, or within a drainage channel unless otherwise authorized in writing by an Inspector.

#### Caribou Disturbance

During the public review, the WRRB, submitted comments/recommendations on the Draft Permit to incorporate the following condition (WRRB comment 4):

**Caribou Disturbance** – The Permittee shall not move any equipment or commence any drilling when one or more caribou are within five hundred (500) meters.

In response, Dominion supported the inclusion of the condition "Caribou Disturbance". The Board have included this condition in the Permit (Condition 64).

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<sup>13</sup> See WLWB Online Registry for [W2013C0005 - Ekati Exploration - 2017 Annual Work Plan - Board Directive and Reasons for Decision - Jan 17 17.pdf](#)

<sup>14</sup> See WLWB Online Registry for [W2013C0005 - Ekati Exploration - 2019 Annual Work Plan - Oct 15 18.pdf](#)

### 3.2.4 Spill Contingencies

In the Application, Dominion identifies that the approved Ekati Spill Contingency Plan (Version 11.0),<sup>15</sup> and future versions of the Plan, will apply to all activities conducted by Dominion for this Permit. The GNWT-ENR acknowledged the Spill Contingency Plan and referred Dominion to three legislated requirements related to spills (GNWT-ENR comment 6-9). In response, Dominion acknowledged these requirements.

The GNWT-ENR recommended that all fuel or storage vessels left stationary for extended periods of time should contain sufficient secondary containment (GNWT-ENR comment 10). Dominion identified that the Draft Permit included conditions to address this. The Board believes the standard conditions for Drip Trays (Condition 56), Fuel Cache Secondary Containment (Condition 47), and Fuel Containment (Condition 49) address the GNWT-ENR's concern.

The GNWT-ENR recommended that spill kits be provided and that all personnel be trained to ensure that in the event of a spill it is contained and remediated appropriately (GNWT-ENR comment 11). Dominion responded that spill kits will be present on the worksite, and that contractors receive specialized environmental training upon arrival to site, including information on Spill Management.

Finally, the GNWT-ENR recommended 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" (GNWT-ENR comment 12). In response, Dominion acknowledged this recommendation. The Spill Contingency Plan Version 11 identifies that "Each work area is equipped with a spill kit.... [and] in addition to the spill kits, the Ekati Diamond Mine has two Spill Response Trailers." The Plan states that "all mobile equipment carries dedicated spill response equipment designed to manage significant spills." However, it is unclear whether this meets the GNWT's recommendation for portable spill kits in all heavy equipment and refuelling vehicles.

- ***The Board requires Dominion to work with the GNWT to ensure spill kits meet the GNWT's recommendation, prior to the 2019 annual review of the Spill Contingency Plan.***

### 3.2.5 Waste Management

In the Application, Dominion identifies that the approved Waste Management Plan will apply to all activities conducted by Dominion under this Permit. The Board have included the following condition (Condition 35):

**Waste Management** – The Permittee shall adhere to the **Waste Management Plan**, once approved, and shall annually review the plan and make any necessary revisions to reflect changes in operations, technology, chemicals, or fuels, or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval.

#### Industrial Solid, Liquid, and Sewage Waste Disposal

The GNWT-ENR commented that the Proponent shouldn't assume they "may deposit industrial wastes, generated outside of community boundaries", and recommended that the Proponent intend to deposit waste in an NWT community Solid and Liquid Waste Disposal Facility (GNWT-ENR comment 1). The GNWT-ENR request the Proponent demonstrate in the Waste Management Plan, and to the Board, that the receiving communities Solid Waste and Liquid Waste Disposal Facility holds a Water Licence that authorizes the disposal of any industrial waste streams originating from outside municipal boundaries. Dominion responded that if the waste can't be disposed of at the Ekati site (composted, incinerated, or

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<sup>15</sup> See WLWB Online Registry for [W2012L2-0001 - Ekati - Spill Contingency Plan - Version 11.0 - Jan 19 18.pdf](#)

landfilled) then Dominion will ship the waste to KBL Environmental facility in Yellowknife. KBL is a licenced waste disposal facility that operates in Yellowknife and provides Dominion with an official Certificate of Disposal.

The GNWT-ENR recommended that the Proponent should ensure that all grey water (e.g., dishwater, showers, laundry, etc.) and black water (e.g., sewage) are treated and disposed of in a manner that will minimize the attraction of wildlife (GNWT-ENR comment 22). Dominion responded that it implements such practices at the Ekati Mine site as described in the approved Waste Management Plan.<sup>16</sup>

IEMA commented that the basic map included in the Permit Application shows sumps and an outhouse located 50 m from the high-water mark (IEMA comment 2). IEMA recommended that Dominion confirm that the sump and outhouses will be a minimum of 100 m from the high-water mark as stated in the Draft Permit, unless authorized in writing by an Inspector. Dominion confirmed that the sumps and outhouses will be a minimum of 100 m from the high-water mark as stated in the draft Permit, unless authorized in writing by an Inspector (Condition 14).

### Incineration and Open Burning

The Application states that “combustible waste will be incinerated via the incinerator or taken to Ekati for disposal as per the Waste Management Plan. Non-combustible waste will be backhauled to either the Ekati mine site or Yellowknife for proper disposal”. The GNWT-ENR identified that Dominion plans to use incineration and recommended that if the Proponent plans to use open burning incinerator for this project, that it only use the waste streams identified in the *Municipal Solid Wastes Suitable for Open Burning* document (GNWT-ENR comment 2). In addition, the GNWT-ENR recommended that Dominion provide Incineration Management Strategies to demonstrate that the device and procedures selected are suitable to the waste stream intended for incineration (GNWT-ENR comment 3). In response, Dominion committed to updating its Waste Management Plan if an incinerator is deemed necessary for the exploration camp (response to GNWT-ENR comment 3). The Board agrees that if an incinerator is deemed necessary, a revised Waste Management Plan will be required. In addition, if Dominion plans to utilize open burning incineration revisions to the Waste Management Plan will be required.

Finally, the GNWT-ENR identified that Dominion is required to ensure residual ash from the incineration of non-segregated waste be tested prior to disposal to ensure that it meets the criteria specified in the *NWT Environmental Guideline for Industrial Waste Discharges* (GNWT-ENR comment 4). The approved Waste Management Plan requires incinerator ash from the North and South incinerators be sampled and tested against British Columbia Ministry of Environment’s “*Hazardous Waste Legislation Guide*” standards (table 5 of the Waste Management Plan). Dominion acknowledged this recommendation. It is unclear whether the GNWT-ENR has suggested the NWT guideline values replace those currently approved for the Ekati incinerators. Parties have not yet had the opportunity to discuss the application of the *NWT Environmental Guideline for Industrial Waste Discharges* to the Ekati incinerators.

- ***The Board requires Dominion and the GNWT to discuss whether an update to the Waste Management Plan is required in consideration of the NWT Environmental Guideline for Industrial Waste Discharges, prior to the 2019 annual review of the Waste Management Plan.***

### Hazardous Waste Management

The GNWT-ENR commented that all proponents that generate hazardous wastes must be registered as a generator of hazardous waste in the NWT (GNWT-ENR comment 5). Dominion confirmed that the

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<sup>16</sup> See WLWB Online Registry for [W2012L2-0001 - Ekati - Waste Management Plan - Version 4.0 - Jan 19 18](#)

company and the Ekati Diamond Mine are registered as a hazardous waste generator in the NWT (NTG090).

The GNWT-ENR recommended that 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 (the GNWT-ENR comment 23). Dominion responded that it currently implements such practices at the Ekati mine site as reflected in the Waste Management Plan.

### **3.2.6 Wildlife Management**

#### Management of Wildlife Habitat

The GNWT-ENR submitted many comments (GNWT-ENR comment 15-18) with regards to wildlife management, such as active bear dens, beaver dens, and other species that recommended Dominion to follow specific instructions (e.g., implement an 800m buffer exclusion zone from the dens). Dominion responded that as part of the determination of an appropriate camp location Dominion evaluates a number of factors including wildlife (response to GNWT-ENR comment 14), and Dominion's practice is to communicate with the GNWT-ENR on the matters and will continue to do so (response to GNWT-ENR comment 17).

The GNWT-ENR commented that the Project area overlaps with the ranges of the following NWT-listed and/or pre-listed species threatened in the NWT, Boreal Caribou, Barren-ground Caribou, and pre-listed species that are special concerns in the NWT, Grizzly Bear, and Little Brown Myotis (bat) (GNWT-ENR comment 13). The GNWT-ENR recommended that although the Project overlaps with the range(s) of the species listed above, the GNWT-ENR is of the opinion that the scope, nature, areal extent, scale and/or timing of the proposed project are such that the likelihood of impacts to NWT-listed or pre-listed species at risk is minimal. Dominion acknowledged the GNWT-ENR's comment.

The GNWT-ENR provided many comments regarding wildlife attractants and the handling of waste and submitted three recommendations that the GNWT-ENR would like Dominion to utilize when dealing with food and garbage handling and storage procedures that will minimize the attraction of wildlife (GNWT-ENR comment 19-21). Dominion responded that Dominion implements these practices at the Ekati mine site and referred the GNWT-ENR to the approved Waste Management Plan.

The GNWT-ENR commented that keeping track of the disturbance footprint of development is an important component of tracking and informing the management of cumulative effects on wildlife and wildlife habitat and recommended that 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 (GNWT-ENR comment 14). Dominion responded that the shapefile was provided as part of the Permit Application package and is available on the WLWB registry as a zip file. The Board note that Dominion submitted a shapefile with the Application.<sup>17</sup> The Board request that Dominion work collaboratively with the GNWT-ENR on wildlife management aspects.

The WRRB noted that the potential size of the project, including a winter road, indicates the project may require a Tier 1 Wildlife Management and Monitoring Plan (WMMP) under the Draft GNWT WMMP Guidelines (WRRB comment 5). The WRRB recommends that a WMMP be created, however did not recommend that the WMMP be formally submitted to the Minister of Environment and Natural Resources at this time. Dominion responded that as this explorative work is to occur on the Ekati Mine Claim Block all existing and future management plans and procedures are applicable to these exploration activities including the GNWT approved Ekati Wildlife Effects Monitoring Plan (WEMP).

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<sup>17</sup> See WLWB Online Registry for [W2018C0005 - Ekati Exploration - LUP Application - Shapefiles - Sep 4 18.zip](#)

The WRRB also noted that Dominion does not list disturbances to wildlife from drilling operations, or potential impacts to species at risk in the area stating: “disturbance to wildlife, especially barren ground caribou, from exploration activities and road use is a serious concern of the WRRB.” The WRRB recommended that Dominion include disturbances to wildlife and impacts to species at risk as impacts, as well as measures that will be taken to mitigate these impacts, to section 7 of their Application. Dominion responded that the permit application has been submitted and cannot be changed at this time, however, Dominion recognizes the concerns of the WRRB and fully intends to continue its stewardship of the environment through such measures as waste management and wildlife effects monitoring programs. As this exploration work is to occur on the Ekati Mine Claim Block all existing and future management plans and procedures are applicable to these exploration and related activities.

The WRRB noted that in Section 7 of the Land Use Permit Application, which summarises potential environmental impacts, Dominion refers to the *Environmental Operating Procedures for Exploration (2013)* (WRRB comment 3). Section 3.3 of this document, titled Flora and Fauna, lists only that fishing, hunting and domestic animals are prohibited and that reasonable care will be taken to avoid impacts to flora. “The WRRB is concerned that this operating procedure document is insufficient in outlining mitigation measures necessary for an exploration project of this size.” WRRB recommends that Dominion update the Operating Procedures for Exploration document to include measures taken to protect wildlife and wildlife habitat, including barren ground caribou and species at risk. Dominion responded that an update of these procedures to include the recommended information is not a task Dominion is undertaking at this time. The Board acknowledge that this 2013 Operating Procedures does not include all management practices outlined in the approved WEMP. The Board request that Dominion work collaboratively with the WRRB on wildlife management aspects.

The Board note that many of these recommendations with respect to wildlife management are not within the Board’s jurisdiction and recommend that parties work collaboratively on wildlife management aspects of the Project.

- ***The Board requests Dominion to work collaboratively with the GNWT-ENR and WRRB on wildlife management aspects of the Project.***

To address protection of wildlife habitat, which falls within the Board’s jurisdiction, the Board has included the following standard condition in the Permit (Conditions 34 and 64):

**Habitat Damage** – The Permittee shall take all reasonable measures to prevent damage to wildlife and fish Habitat during this land-use operation;

**Caribou Disturbance** – The Permittee shall not move any equipment or commence any drilling when one or more caribou are within five hundred (500) meters.

### **3.2.7 Security**

With the issuance of Permit W2013C0005, the Board did not require security for exploration activities, stating that “the security required for the Ekati mine (primarily under W2012L2-0001) is sufficient for this Land Use Permit [W2013C0005]”. With the Application, Dominion submitted a draft Security Estimate (for \$39,449.79) which included costs associated with the camp, hydrocarbon storage and transfer, land disturbance, and equipment. The Board identified an administrative error in the draft security estimate submitted by Dominion.<sup>18</sup> The Board has adjusted the security estimate, resulting in

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<sup>18</sup> The total fuel volume is to be divided into two sections, the first was to be <25,000 L and the remaining volume of 26,025 was to be inserted to the bottom line (>25,000)

an increase in the total for security to \$43,932.22.<sup>19</sup> No parties commented on Dominion's proposed land-related security estimate. Pursuant to section 32 of the Mackenzie Valley Land Use Regulations, the Board has determined that a security of \$43,932<sup>20</sup> be held for Land Use Permit W2018C0005.

- ***The Board requires Dominion to deposit the amount of \$43,932.00 as required by Condition 45 of Land Use Permit W2018C0004.***

Signed the 3<sup>rd</sup> Day of December, 2018, on behalf of the Wek'èezhii Land and Water Board



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Witness



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Joe Mackenzie  
Chair, Wek'èezhii Land and Water Board

<sup>19</sup> See WLWB Online Registry for [W2018C0005 - Ekati Exploration - WLWB Security Determination - Oct 24 18.zip](#)

<sup>20</sup> \$43,932.22 was rounded to align with current Ekati rounding practices