

6 September, 2021

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

Dear Mr. Mackenzie:

RE: W2020L2-0004 – Interim Closure and Reclamation Plan Version 3.1, Request for Extension

Since taking ownership of the Ekati Diamond Mine in February 2021, Arctic Canadian Diamond Company (Arctic) has developed a progressive new mine plan that excludes the Jay Open Pit development and includes the permitting of Point Lake Open Pit development followed by Underwater Remote Mining in existing open pits. Arctic's mine plan is described in detail in its recent submissions to the Wek'èezhii Land and Water Board (WLWB) in support of the requested Water Licence Amendment and Land Use Permits for the Point Lake Project, particularly Arctic's letter to the WLWB dated July 29, 2021.

Arctic's new mine plan represents a substantive change to the mine plan that is currently used as the basis of the Interim Closure and Reclamation Plan (ICRP) and associated reclamation security estimate. For example, the pit flooding schedule and associated security will change. As such, Arctic wishes to revise the ICRP and security estimate to align with its new mine plan for the next ICRP submission. There would be no value, in Arctic's view, to providing an ICRP for review and approval that isn't based on the most current and realistic mine plan, unnecessarily burdening Arctic, reviewer, and Board resources.

At this point in time, WLWB has determined that the Point Lake Project application does not require referral for Environmental Assessment and is proceeding with the regulatory review process. The WLWB's review workplan currently schedules issuance of the Water Licence Amendment by May 2022. This Amendment will reflect Arctic's current mine plan, with the removal of the Jay Project and inclusion of the Point Lake Project. The most efficient timing for submission of a revised ICRP would be shortly after issuance of the amended Water Licence, ensuring that the revised ICRP incorporates the Point Lake development and the final language and requirements of the Water Licence.

Therefore, Arctic requests that the required date for submission of ICRP Version 3.1 be extended from the current October 26, 2021 to July 31, 2022 (i.e., 60 days following the currently scheduled issuance of the Water Licence Amendment). Arctic understands that the WLWB wishes to have an approved revised ICRP in place as quickly as can reasonably be achieved; however, Arctic suggests that this extension is warranted and that the WLWB and reviewers can reasonably rely on the approved Version 3.0 during this extension period because:

- a) Version 3.0 has been recently conditionally approved (February 19, 2020);



- b) Revised closure objectives have been recently approved (July 23, 2021), which addresses an important condition of the Version 3.0 approval;
- c) Arctic can individually address many of the outstanding conditions of the Version 3.0 approval by the planned date of October 26, 2021 (see Tables 1-3);
- d) Arctic can proceed with the reviewer workshop on closure criteria planned for late 2021 such that final proposed closure criteria can either be reviewed and approved by the WLWB on a stand-alone basis to inform further revisions to ICRP Version 3.1 or be incorporated into ICRP 3.1 for review and approval as part of the document; and
- e) Arctic will provide ICRP Version 3.1 for review and approval by the extension date regardless of the status of the Point Lake Project regulatory review process.

Since the initiation of the ICRP V3.0 process, Arctic has made substantial gains in the further development of the closure plan. Arctic intends to continue to move the closure planning process forward and will provide the following documents for submission on October 26, 2021. These documents may still be subject to change as a result of engagement through the criteria workshop (proposed for November 30 – December 2, 2021).

- Approved closure objectives as presented within the July 23, 2021 Reasons for Decision
- Updated tables of closure criteria for all mine components
- Updated Criteria Workplan
- Updated Reclamation Research Plans
- Erosional Framework
- Resolutions to ICRP V3.1 Revisions (#1-44 in Table 1) and additional revisions (Table 2) as outlined in the February 19, 2020 ICRP V3.0 Reasons for Decision¹
- Resolutions from Revised Closure Objectives Reasons for Decision as outlined in the July 23, 2021 Reasons for Decision² (Table 3)
- Record of Engagement
- Effective NP Report

During this process, reclamation security related documentation will be provided as directed within ICRP V3.1 revisions. A full RECLAIM estimate will not be presented for review until the submission of the ICRP V3.1 document to allow for an accurate review that will account for the addition of the Point Lake project and the removal of the Jay Project. A detailed list of past ICRP reasons for decisions and timelines for the information to be provided is available in Tables 1-3.

Reclamation research plans have already undergone significant engagement and review through the ICRP V3.0 review process. By addressing Reasons for Decisions from ICRP V3.0, Arctic is confident that Reclamation Research Plans will be in a final state and requests the Board's review of the Reclamation Research Plans as submitted on October 26, 2021.

¹ [W2012L2-0001 – Ekati – ICRP Version 3.0 – Decision Letter and Reasons for Decision – Feb 19 20](#)

² [W2012L2-0001 - Ekati - ICRP - Proposed Closure Objectives - Reasons for Decision - Jul 23 21.pdf](#)



**ARCTIC CANADIAN
DIAMOND COMPANY**

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Arctic trusts the information provided is clear and informative. If you have any questions or concerns regarding the content of the letter, please contact the undersigned at 403-910-1933 Ext 2406 or Kurtis.Trefry@arcticcanadian.ca or Harry O'Keefe, Superintendent – Environment Operations, at 867-445-3185 or Harry.O'Keefe@arcticcanadian.ca

Sincerely,

Kurtis Trefry M.SEM, P.Ag
Environmental Advisor – Projects and Closure Planning

Table 1: ICRP V3.1 Required Revisions from February 19, 2020 Reasons for Decision

Revision Number	Description	Proposed Submission Date	Comments
1	Dominion is to report on engagement and propose any necessary revisions to engagement process in consideration of engagement with NSMA.	October 26, 2021	Record of engagement
2	Dominion is to propose revisions to the CRP, with rationale as appropriate, in consideration of Appendix D and the input received at the Workshop required by Decision D.	October 26, 2021	Revisions to be addressed.
3	Dominion is to include a gant-style schedule which identifies major closure activities and how they relate to the completion of research.	October 26, 2021	Will reflect the removal of the Jay Project and insertion of Point Lake
4	Dominion is to ensure evidence to support the proposed CRP is made easily accessible to reviewers (e.g., appendix, reference library, hyperlinks with specific section and page references, etc.).	July 31, 2022	Will be included with ICRP V3.1 submission
5	In submission of Version 3.1 and CRP submissions moving forward, Dominion is to clearly identify any progressive reclamation for which it is requesting certainty (i.e., wishes to commence progressive reclamation prior to submission of additional information).	October 26, 2021	Progressive reclamation schedule to be provided.
6	Dominion is to revise uncertainty tables to include all key uncertainties and the method and timelines by which they will be resolved (i.e., a design project, a monitoring & response project, or some other means).	October 26, 2021	Tables to be provided separate from ICRP V3.1 document
7	Dominion is to integrate TK or the TKEG into the reclamation research included in Version 3.1.	October 26, 2021	Updated Reclamation Research Plans to be provided
8	Dominion is to include the Criteria Work Plan required by Decision H.	October 26, 2021	Updated criteria workplan to be provided.

Revision Number	Description	Proposed Submission Date	Comments
9	Dominion is to identify whether each criterion is considered final (i.e., for Board approval) or under development. For criteria considered under development, Dominion is to identify which criteria are anticipated to include a numeric component.	October 26, 2021	Criteria tables for all mine components to be provided
10	Dominion is to describe timelines by which post-closure monitoring requirements and associated adaptive management will be proposed for future reclamation.	October 26, 2021	Monitoring timelines to be provided.
11	In accordance with the Closure Guidelines, for each selected closure activity, Dominion is to describe what it will do if it becomes apparent that the selected closure activity will not be successful in meeting closure criteria and objectives. Dominion is to list possible contingencies and identify the preferred contingency with rationale.	October 26, 2021	List of contingencies to be provided.
12	Dominion is to include a high-level description of how the submission of PARs will be used in closure planning (to reflect GNWT-ENR comment 13).	October 26, 2021	Description will be included.
13	Dominion is to add a description of how climate change considerations informed the CRP.	October 26, 2021	Description of climate change considerations to be included.
14	Dominion is to provide a table which identifies how each approved closure objective was or was not incorporated into Version 3.1. For any approved objective not incorporated, rationale is to be provided.	October 26, 2021	Incorporating approved closure objectives from the July 23, 2021 RFD following workshop considerations and review.
15	Dominion is to revise all objectives related to physical stability (i.e., BI-3, LLCF-3, OP-5, WR-2, WR-3, WM-3, WM-4) to reflect what each objective aims to achieve (e.g., no hazard to humans, wildlife, aquatic life, or environmental health and safety).	October 26, 2021	Incorporating approved closure objectives from the July 23, 2021 RFD following workshop considerations and review.



Revision Number	Description	Proposed Submission Date	Comments
16	Dominion is to clearly identify the component-specific objectives that contribute to the success of site-wide objectives.	October 26, 2021	Incorporating approved closure objectives from the July 23, 2021 RFD following workshop considerations and review.
17	Dominion is to revise RP 1 and, if necessary, the Engagement Plan to reflect consideration of engagement completed in Engagement Requirement #2 above.	October 26, 2021	Updated Reclamation Research Plans to be provided.
18	Dominion is to revise the CRP to acknowledge the Beverly caribou herd's use of the Ekati site; and clarify that the closure objectives are caribou-specific, rather than herd-specific, and would therefore apply to all herds.	October 26, 2021	Will be updated to apply to all herds.
19	Dominion is to include a map which reflects recent herd distributions.	October 26, 2021	Updated map to be provided
20	Dominion is to identify differences from the conceptual CRP discussed during the environmental assessment phase.	October 26, 2021	List of changes will be outlined
21	Dominion is to complete one of the following: a. Remove SW-8; or b. If Dominion wishes to keep SW-8, Dominion is to engage with Parties (see Engagement Requirement #3) and propose a revised SW-8 that is consistent with the Closure Guidelines' definition of a closure objective.	October 26, 2021	Former SW-8 has been removed from closure objectives. Objectives to be carried forward as approved from the July 23, 2021 RFD following workshop considerations and review.
22	For each objective, Dominion is to identify whether there will be an associated performance-based closure criterion. For any objective where no performance-based closure criteria are proposed, Dominion is to provide rationale for why a performance-based criterion is not necessary.	October 26, 2021	Criteria table and criteria workplan to be provided.
23	Dominion is to evaluate all options available to limit the time by which the metasediments will be exposed (e.g., duration of exposure, depth of cover, pit wall washing) in its proposed progressive reclamation.	October 26, 2021	Progressive reclamation discussion to be included.

Revision Number	Description	Proposed Submission Date	Comments
24	Dominion is to describe reclamation of the Jay dyked area within the open pit section of the CRP or provide reference to discussion elsewhere in CRP.	N/A	Jay Project to be removed from CRP processes.
25	In consideration of the proposed OP-3, Dominion is to revise OP-3 to align with the Board's previous decision to include all open pits; or, demonstrate that the approved objective is unreasonable at specific locations.	October 26, 2021	Incorporating approved closure objectives from the July 23, 2021 RFD following workshop considerations and review.
26	In effort to understand how operational monitoring will be used to inform the closure model, Dominion is to expand Task #2 in RP 2 to describe the input terms which may be refined using operational data.	October 26, 2021	Updated Reclamation Research Plans to be provided.
27	Dominion is to revise RP 2 to include the commitment to: "review the ammonia and nitrate concentrations on a yearly basis, and if these data indicate increasing concentration trends, the scope of reclamation research as part of RP 2 – Panda/Koala Closure Freshwater Cap Depth may be expanded to include evaluating the effects of ammonia and nitrate on pit lakes water quality."	October 26, 2021	Updated Reclamation Research Plans to be provided.
28	Dominion is to include updating the WRAF for the Jay WRSA in RP 6 or a new RP, and outline the associated tasks.	N/A	Jay Project to be removed from CRP processes.

Revision Number	Description	Proposed Submission Date	Comments
29	<p>Dominion is to add a statement that it will periodically (e.g., every five years):</p> <ul style="list-style-type: none"> a. re-evaluate the need to update the WRAF, based on a review of the model basis and assumptions (including climate change assumptions); and b. re-evaluate the need to conduct the WRAF for WRSAs where no WRAF is planned (e.g., the Lynx and Sable WRSAs) based on any significant differences specific to these WRSAs (e.g., seepage monitoring results, waste disposed in the WRSAs, WRSA configuration and design, sensitive receptors, characteristics of the receiving environment, etc.); and c. report the details of the re-evaluation in CRP Annual Progress Reports. 	October 26, 2021	Timeline for WRAF re-evaluation to be included with Criteria Workplan
30	<p>Dominion is to incorporate the commitments in Table 1 into the Research Plans that include a WRAF update, namely RPs 4, 5, and 6.</p>	October 26, 2021	Updated Reclamation Research Plans to be provided.
31	<p>Dominion is to describe its plans, if any, to engage on methods for conducting the WRAF before it is updated.</p>	October 26, 2021	Updated criteria workplan to be provided.
32	<p>Dominion is to add a statement indicating that the cover design for the Jay WRSA is not approved.</p>	N/A	Jay Project to be removed from CRP processes.



Revision Number	Description	Proposed Submission Date	Comments
33	Dominion is to add a schedule to that demonstrates that Dominion will complete the work necessary to obtain approval of the Jay WRSA Design, revised WROMP, and Jay WRSA closure plans in a timely fashion. At a minimum the schedule should include the following milestones: a. Submission, review, and approval of the Co-Placement Study Design; b. Estimated amount of time to implement the Co-Placement Study; c. Submission, review and approval of the Jay WRSA Design Report; d. Submission, review, and approval of a revised WROMP; and e. Submission of updated closure plan for the Jay WRSA.	N/A	Jay Project to be removed from CRP processes.
34	Dominion is to clarify that a cover on the Pigeon WRSA is the currently approved closure concept for the Pigeon WRSA and clarify that the Board has not determined that mixed metasediment from the Pigeon WRSA is non-PAG.	October 26, 2021	Statement of clarification to be included.
35	Dominion is to update the schedule in Research Plans 4, 5, and 6 to reflect Dominion's response to GNWT-ENR comment 35.	October 26, 2021	Updated Reclamation Research Plans to be provided.
36	Dominion is to add a statement to clarify that all WRSA closure objectives apply to waste kimberlite in the Fox WRSA and the CKRSA.	October 26, 2021	Clear statement to be provided.
37	Dominion is to list possible contingencies for addressing poor seepage quality from waste kimberlite areas in the Fox WRSA, and identify the preferred contingency, with rationale.	October 26, 2021	Contingencies section to be included with submission.
38	Dominion is to add the uncertainty related to sediment and post-closure water quality at the Fox WRSA to Research Plan5.	October 26, 2021	Updated Reclamation Research Plans to be provided.

Revision Number	Description	Proposed Submission Date	Comments
39	Dominion is to identify which WRSAs will have additional thermistors installed, estimate the number and location to the extent possible, and provide a rationale in consideration of Parties' comments on the 2016 WRAF (IEMA comments 6 to 8, ECCC comment 8, and GNWT-ENR comments 6, 8, and 9). This information should be included in the monitoring sections of the interim CRP or in the appropriate RPs.	October 26, 2021	Updated Reclamation Research Plans to be provided.
40	Dominion is to revise RP 8 to clearly identifies how RP 14, 15, and 18 will be addressed through RP 8 or provide rationale for why this research is no longer required.	October 26, 2021	Updated Reclamation Research Plans to be provided.
41	Dominion is to identify whether the Panda Dam was designed for closure, confirm that the design criteria are consistent with those for the "Closure Passive Care Phase" in the CDA's Mining Dams Bulletin, and elaborate on the role of risk assessment in the closure criteria.	October 26, 2021	Discussion will be included.

Revision Number	Description	Proposed Submission Date	Comments
42	<p>To address the possible loss of cover materials due to impingement, Dominion must:</p> <ul style="list-style-type: none"> a. Identify all areas where impingement could occur and discuss the likelihood that it will occur; b. Where impingement is reasonably likely, estimate the associated costs (e.g., cost of constructing a transition layer or increasing cover thickness); c. If there is insufficient information to provide the information required in #1 and 2, identify how Dominion can obtain the info (e.g., trials, etc.); d. In the absence of a basis for making this estimate, comment on the reasonableness of adding a 10% thickness to make up for impingement losses in areas where impingement could occur, until a more refined estimate can be obtained; and e. Adjust the RECLAIM if necessary. 	October 26, 2021	Documentation to be provided with submission. Updated RECLAIM to be provided for review with ICRP V.3.1
43	Dominion is to refine and improve documentation for the lump sum of \$1,000,000 to cover the costs of developing the final closure plan.	October 26, 2021	Documentation to be provided with submission. Updated RECLAIM to be provided for review with ICRP V.3.1
44	Dominion is to list significant differences between the RECLAIM estimate and the interim CRP, and briefly explain the rationale for the difference. If the difference is due to an uncertainty, identify how the uncertainty is being addressed.	October 26, 2021	Documentation to be provided with submission. Updated RECLAIM to be provided for review with ICRP V.3.1

Table 2: ICRP V3.1 Additional Revisions from February 19, 2020 Reasons for Decision

Issue/Topic	Revision	Proposed Submission Date	Comments
Temporal Component of Monitoring	Dominion has agreed to make the temporal component of monitoring more explicit in future interim CRP updates. The required duration of monitoring to demonstrate that criteria are being achieved, or that structures are on a stable trajectory, will vary with the type of installation and monitoring under consideration.	October 26, 2021	Monitoring schedules to be provided.
Adaptive Management	Revise Figure 5.1-5 to reflect attachment provided in response to GNWT-ENR comment 6.	October 26, 2021	Will provide updated figure.
Clarification on Open Pit Contingencies	The GNWT-ENR expressed concern with the use of an active contingency in which freshwater is used to dilute poor quality water, as proposed in contingency #2 (GNWT-ENR comment 20, 22). In response, Dominion committed to clarify that the routing of natural flows would not be for the purpose of “diluting” minewater in the next version of the CRP.	October 26, 2021	Clarification will be carried over into text.
Fox WRSA Cover	Add information in Dominion’s response to information request #2 following the January 22/23, 2019 interim CRP workshop. The information addresses the reduced Fox WRSA cover thickness.	October 26, 2021	Background addressing Fox WRSA cover thickness to be provided.

Issue/Topic	Revision	Proposed Submission Date	Comments
Documentation of Repairs/Maintenance	Annual reclamation maintenance and repair work will be outlined in Annual Closure and Reclamation Progress Reports. Completed maintenance work will also be included within Performance Assessment Reports, as stated with within the Guidelines for the Closure and Reclamation of Advanced Mineral Exploration and Mine Sites in the Northwest Territories developed by the Mackenzie Valley Land and Water Board (MVLWB 2013).	October 26, 2021	Statement acknowledging reclamation maintenance work assessments to be included.
Panda Dam	Dominion has agreed to modify the proposed action to more precisely reflect the design intent, which is to assure the long-term stability of the structure. The new wording would be "Confirm the Panda Dam is stable in closure and post-closure."	October 26, 2021	To be included within closure objectives/criteria table.
Temporary Closure	Dominion is to include commitment to provide the WLWB with a notification document that would include the temporary closure schedule, and any other relevant details in the event of temporary closure in Version 3.1.	October 26, 2021	Commitment verbiage to be included with submission
Update Caribou Listings	Update section 5.2.2.2 in future interim CRP revisions to reflect the most up-to-date federal and territorial listings for barren-ground caribou.	October 26, 2021	Updates to section 5.2.2.2 to be included in submission
Snow Survey	Dominion will add a note for Table 5.2-2 to indicate that snow track surveys were discontinued after 2012. All other programs indicated as being part of Dominion's WEMP are currently conducted.	October 26, 2021	Updated table to be provided

Table 3: Revised Closure Objectives – July 23, 2021 Reasons for Decision

Reference	Decision	Proposed Submission Date	Comments
Decision #1:	<i>The Board approves the closure objectives as presented herein for inclusion in the Interim Closure and Reclamation Plan Version 3.1.</i>	October 26, 2021	Incorporating approved closure objectives from the July 23, 2021 RFD following workshop considerations and review.
Decision #2:	<i>The Board directs Arctic to provide more information in Version 3.1 of the CRP regarding fish passage between Cell D and E.</i>	October 26, 2021	Information on fish passage between Cell D and E to be included.
Decision #3:	<i>The Board approves the revised submission date of October 26, 2021 for the Interim CRP Version 3.0.</i>	July 21, 2022	Arctic is requesting an extension to submit ICRP V3.1 to align with the Point Lake permitting schedule.
Decision #4:	<i>Final closure criteria are to be proposed in the Interim CRP Version 3.1 for any mine component closing in the next three years (prior to December 2024);</i>	October 26, 2021	Final closure criteria for mine components closing by 2024 to be included.
Decision #5:	<i>Draft criteria are to be proposed in the Interim CRP Version 3.1 for all objectives where final closure criteria are not required;</i>	October 26, 2021	Updated criteria table to be provided. Criteria workshop will allow for input on these criteria.



Reference	Decision	Proposed Submission Date	Comments
Decision #6:	<i>Arctic is to engage with Parties to determine when a criteria workshop would be helpful to inform the development of draft closure criteria (e.g., before submission of Interim CRP Version 3.1 or during the public review of the Interim CRP Version 3.1). The criteria workshop shall be completed prior to completion of the public review of the Interim CRP Version 3.1 and the date shall be coordinated with Board staff; and</i>	November 30 – December 2, 2021	Arctic is proposing a November 30 – December 2, 2021 timeline for the Criteria Workshop. Updated Criteria tables are to be provided with the October 26, 2021 submission to allow adequate time for public review ahead of workshop discussions.
Decision #7:	<i>Appendix D of the Board's February 19, 2020 Reasons for Decision required an in-person conversation on how the effective neutralization potential (NP) issue affects closure plans at non-Jay WRSAs (IEMA Comment 14). The Board recognizes that due to various circumstances (e.g., temporary closure and the sale of the mine) that it wasn't feasible to have this discussion as part of the March 2021 workshop. The Board understands that the results of such a conversation may influence the development of closure criteria so is now requiring this conversation to take place as part, and in advance, of the closure criteria workshop.</i>	November 30 – December 2, 2021	Arctic is proposing a November 30 – December 2, 2021 timeline for the Criteria Workshop. Effective NP discussions can take place the first day of the workshop.