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November 26, 2021

Files: W2020L2-0004 and W2021D005

To the Parties of the Ekati Point Lake Project Proceeding,

Re: Undertakings from the Ekati Point Lake Public Hearing

The Wek'èezhii Land and Water Board (WLWB) would like to thank all Parties who participated in the recent public hearing in Yellowknife, NT from November 23rd to 26th, 2021 to discuss Arctic Canadian Diamond Company Ltd.'s (Arctic) Land Use Permit Application (W2021D005) and Water Licence Amendment (W2020L2-0004) for the Point Lake Project. The public hearing was beneficial in helping to identify and clarify several issues raised by interveners and the public.

There were undertakings requested in order to ensure additional evidence is on the record for this proceeding, which will allow Parties to refine their positions within their closing arguments, and to allow the Board to make an informed decision. The WLWB is requesting the following information from Parties:

Undertaking #1 for Arctic

Provide a revised Dewatering Plan for the proposed Point Lake Project.

Undertaking #2 for all Parties

Confirm if your organization wishes to review the revised Dewatering Plan, and if so, identify how long you believe will be needed to review this revised Plan.

Undertaking #3 for Arctic

The Tłı̨ch̨ Government (TG) provided ideas of what should be addressed in the cover design for the Point Lake WRSA in its Intervention.¹ Will Arctic include these design recommendations in its preliminary cover design? If no, provide rationale.

Undertaking #4 for Arctic

A list of potential Schedule requirements for the Point Lake WRSA Design Report has been compiled based on interventions, previous WRSA Design Report schedules, and Draft Design Report Schedule requirements under review for inclusion in the Board's Standard Water Licence Conditions. With respect to considering scheduled requirements for the WRSA design report, can Arctic comment on any limitations to including the following:

¹ See WLWB Public Registry (<https://wlwb.ca/registry>) for [Ekati - Point Lake Project - Amendment Application - TG Intervention - Oct 28 2021.pdf](#).

1. relevant background material for beneath the facility footprint including geotechnical, geochemical, and hydrogeological investigations;
2. characterization of soil, rock, and groundwater conditions;
3. design specifications and performance parameters;
4. stability analyses;
5. a description of how the design has been optimized for Closure and Reclamation;
6. a description of how climate change projections and considerations have been incorporated;
7. a description of any instrumentation;
8. a description of any operations and maintenance requirements;
9. a Construction Schedule;
10. a description of the materials for Construction;
11. a description of potential effects on the Receiving Environment;
12. information regarding monitoring during construction;
13. a quality control plan;
14. prediction of seepage water quality at operations and closure phases of the WRSA;
15. a description of monitoring for subsurface flows of water within the active layer;
16. procedures on how unexpected seepage loss would be identified; and
17. a description of regular ground water monitoring around the WRSAs.

Undertaking #5 for LKDFN

Indicate which of the two corridors; the south-west or the north-east corridor (between rock piles and Lac du Sauvage), they believe will be preferentially used by caribou.

Undertaking #6 for GNWT

Provide clarification on what parts of Measure 6-2a² the GNWT believes will be addressed within the Wildlife Effects Monitoring Plan (WEMP), and what parts would or could be addressed through other regulatory instruments.

Undertaking #7 for GNWT

Identify all instances of feedback and direction regarding wildlife habitat the GNWT has provided to the Licensee operating the Ekati Mine during the last three years.

Undertaking # 8 for GNWT

Review the Wildlife Effects Monitoring Plan and Caribou Road Mitigation Plan to describe in detail how the GNWT is specifically responding to the habitat concerns raised by intervenors in relation to the proposed Point Lake project. To identify if there is anything more the GNWT believes the Board needs to do to address these concerns within the Licensing and/or Permitting process?

Undertaking # 9 for GNWT

Indicate specifically what progressive reclamation might be done related to Point Lake impacts on caribou habitat.

² See MVEIRB Public Registry for [Ekati Jay Report of Environmental Assessment And Reasons for Decision](#).

All information requested must be submitted to the WLWB electronically on or before **Friday, December 3, 2021**. All information regarding this proceeding will be circulated to the Ekati Distribution List and posted on the WLWB's Online Registry as soon as possible.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ryan Fequet', with a stylized flourish at the end.

Ryan Fequet
Executive Director, Wek'èezhii Land and Water Board

Blind copied: Ekati Distribution List