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September 13, 2021

File: W2020L2-0004

Alasdair Beattie  
Team Leader Fish and Fish Habitat Protection Program  
Fisheries and Oceans Canada – Central and Arctic Region  
5204 50<sup>th</sup> Avenue  
Yellowknife, NT  
X1A 1E2

Sent via email

Harry O'Keefe  
Superintendent Environment  
Arctic Canadian Diamond Company Ltd.  
900-606 4 Street SW  
Calgary, Alberta  
T2P 1T1

Sent via email

Dear Alasdair Beattie and Harry O'Keefe,

**Re: Information Request – Two Rock Outfall Report – Version 3.0 (W2020L2-0004)**

Arctic Canadian Diamond Company Ltd (Arctic) submitted the Two Rock Outfall Report Version 3.0 (Report) on July 23, 2021.<sup>1</sup> This Report is required by Licence W2020L2-0004,<sup>2</sup> Part H, Condition 30<sup>3</sup> and this version of the Report was submitted in response to Board direction on Version 2.0 from March 18, 2020.<sup>4</sup> The Report was distributed for public review through the Board's Online Review System (ORS) and reviewers provided recommendations that Arctic responded to on August 31, 2021. As per rule #61 of the Board's Rules of Procedure,<sup>5</sup> an Information Request is being issued to Fisheries and Oceans Canada (DFO) to obtain expert input and additional information as outlined below to assist the Board in its decision-making process on Version 3.0 of the Report.

<sup>1</sup> See WLWB Online Registry ([www.wlwb.ca](http://www.wlwb.ca)) for [W2012L2-0001 – Ekati – Two Rock Outfall Report – Version 3.0 – Jul 23 21](#)

<sup>2</sup> Board staff note that the Report was originally submitted under [W2012L2-0001](#); however, on August 18, 2021, the renewed Licence, [W2020L2-0004](#), came into effect.

<sup>3</sup> See WLWB Online Registry for [Ekati – Water Licence – Aug 24 21](#)

<sup>4</sup> See WLWB Online Registry for [W2012L2-0001 – Ekati – Two Rock Outfall Design Report – Version 2.0 – Reasons for Decision – Mar 19 21](#)

<sup>5</sup> [MVLWB Rules of Procedure, Including Public Hearings \(2018\)](#)

## Background

The Two Rock Outfall Report Version 1.1 was approved by the Board on August 27, 2018<sup>6</sup> and described Discharge into Horseshoe Lake via a diffuser. The Sable Diffuser Construction Report was approved on July 27, 2018.<sup>7</sup> Following conversations between Board staff and Arctic, it was identified that Arctic was considering Discharging from Two Rock Sedimentation Pond (TRSP) without a diffuser. On September 29, 2020, the Board clarified that if planned Discharge differed from the approved Two Rock Outfall Report, the Company was to submit an updated Two Rock Outfall Report for approval prior to Discharge from the TRSP.<sup>8</sup> To fulfil Part H, Condition 30 of the Report, Arctic submitted Version 2.0 of the Report on January 5, 2021, and proposed Discharge directly to the area that was formerly the Two Rock Outflow Stream (bank Discharge).<sup>9</sup> The Board did not approve this Report and directed Arctic to provide additional information, including details about the potential impact bank Discharge may have on fish habitat.<sup>10</sup>

## Fish Habitat

During the public review, DFO commented that it would like to know if the proposed bank Discharge would create conditions in which fish would be able to move into the reactivated Two Rock Outflow Stream. If that possibility existed, DFO asked whether any mitigation measures would be implemented to prevent fish from getting stranded in the channel once Discharge from the TRSP is reduced. DFO recommended that Arctic include a discussion of the possibility of fish entering the channel if bank Discharge occurred and provide mitigations measures that may be implemented to ensure fish are not stranded in the channel if the possibility of fish entering the stream exists. Arctic responded that the physical characteristics of the channel and the proposed pumping rates reduce the possibility for fish to enter the outflow or become stranded in the Two Rock Outflow Stream. Arctic also indicated it will perform regular inspections to ensure fish are not entering the outflow or becoming stranded. While monitoring has been proposed, Arctic has not proposed any mitigation measures should fish enter the Two Rock Outflow Stream. At this time, it is unclear if Arctic has resolved DFO's recommendation and if there are any mitigation measures necessary to allow for bank Discharge.

## Information Request

The Board requires and relies on DFO's expertise, and in accordance with section 22 of the Mackenzie Valley Resource Management Act (MVMRA), respectfully requests DFO respond on or before 4 PM MST, Wednesday, September 15, 2021 to the following Information Requests:

- a) Based on Arctic's Response, is DFO satisfied that there is no possibility for fish to enter the Two Rock Outflow Stream; and

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<sup>6</sup> See WLWB Online Registry for [W2012L2-0001 – Ekati – Two Rock Outfall Design Report – Version 1.1 – Board Letter – Aug 27 18](#)

<sup>7</sup> See WLWB Online Registry for [W2012L2-0001 – Ekati – Sable Diffuser Construction Plan – Directive and Reasons for Decision – Jul 27 18](#)

<sup>8</sup> See WLWB Online Registry for [W2012L2-0001 - Ekati - Requests and Notifications letter - Reasons for Decision - Sep 29 20](#)

<sup>9</sup> See WLWB Online Registry for [W2012L2-0001 – Ekati – Two Rock Outfall Report – Version 2.0 – Jan 5 21](#)

<sup>10</sup> See WLWB Online Registry for [W2012L2-0001 – Ekati – Two Rock Outfall Design Report – Version 2.0 – Reasons for Decision – Mar 19 21](#)

- b) If DFO is of the opinion that fish could enter the Two Rock Outflow Stream, what mitigation measures are necessary to allow for bank Discharge as proposed in the Report?

Board staff will circulate DFO's response to all Parties following receipt. Arctic will be provided an opportunity to respond, and if they choose to do so, the deadline for Arctic's response will be 12 PM MST on Thursday, September 16, 2021. Should any Party have any questions, please feel free to contact me by email or by phone at (867) 765-4589.

Sincerely,



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

BCC: Ekati Distribution List