

Environmental Protection Operations Directorate
Prairie & Northern Region
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Yellowknife, NT X1A 2P7

ECCC File: 5100 000 012/028
WLWB File: W2020L2-0004



February 8, 2022

via email

Rhiana Bams
Regulatory Specialist
Wek'èezhii Land and Water Board
1-4905 48th Street
Yellowknife, NT X1A 3S3

Dear Ryan Fequet:

RE: W2020L2-0004 – Arctic Canadian Diamond Company Ltd. – Ekati – Point Lake – Type A Water License Amendment - Environment and Climate Change Canada's Closing Argument

Environment and Climate Change Canada (ECCC) is providing its closing argument to the Wek'èezhii Land and Water Board (WLWB) for the review of above-mentioned Ekati – Point Lake Type A Water License Amendment ('the Project'). ECCC would like to thank the Board, Arctic Canadian Diamond Company Ltd. (Arctic; the Proponent) and other parties for the opportunity to participate in this review process.

ECCC's specialist advice is provided based on our mandate pursuant to the *Canadian Environmental Protection Act*, the pollution prevention provisions of the *Fisheries Act*, the *Migratory Birds Convention Act*, and the *Species at Risk Act*.

This closing argument outlines our department's position on the technical comments ECCC presented as outstanding at the Public Hearing on November 23-26, 2021, which were also included in our Final Intervention. The status of our technical comments takes into consideration discussions that occurred during the hearing, and comments on the draft water licence and land use permit conditions.

Prior to the Public Hearing, ECCC-1, ECCC-3, ECCC-4 and ECCC-6 were resolved as described during ECCC's presentation at the Public Hearing.

The status of ECCC's remaining technical comments are as follows:

ECCC-2: Monitoring of Alexia, Connor, and Thinner Lakes

As noted in the Final Intervention and during the Public Hearing, ECCC-2 is partially resolved, however, the post-closure monitoring of Alexia, Connor and Thinner Lakes are not included as part of the Surveillance Network Program (SNP) associated with the Point Lake Development.



The Proponent proposed to monitor for the potential effects from dust and blasting to water quality during operations, using this information to inform water quality criteria and a closure monitoring plan as part of the Closure and Reclamation Plan. ECCC looks forwards to reviewing the proposed plans.

ECCC-5: Short Term NO₂ concentrations

ECCC recommended the Proponent consider methods for reducing NO_x emissions going forward, expediting the replacement or upgrading of older equipment with engines that meet Tier 4 standards. With Arctic winters expected to continue gradually warming in the future, the period of time when the winter road is open is anticipated to shrink, resulting in an even larger spike in emissions from supply trucks. ECCC recommended, where feasible, for the Proponent to provide incentives for supply trucks that are equipped with cleaner engines.

The Proponent replied to our recommendation stating “the economic feasibility of the Point Lake Project is reliant on the use of the equipment fleet already onsite, as it becomes available from other pits when mining is completed. Given the short operational life of the Point Lake Project, the purchase of new equipment is neither planned nor feasible. Additionally, Tier 4 equipment that has been purchased and trialed at Ekati has significant operational issues for the majority *[sic]* year due to systematic issues with this technology operating in arctic temperatures. These issues include the equipment being unable to start, equipment operating in a permanent reduced power mode, and equipment inexplicably failing.”

ECCC reiterates our recommendation that, where feasible, the Proponent consider methods for reducing NO_x emissions and to provide incentives for supply trucks that are equipped with cleaner engines.

If you need more information, please contact Jennifer Sabourin at Jennifer.Sabourin@ec.gc.ca.

Sincerely,



Corinna Watt, Acting Regional Director
Environmental Protection Operations Directorate, Prairie Northern Region

Attachment(s):

cc: Jody Small, Acting Head, Environmental Assessment North (NT and NU)