



September 17, 2021

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

Dear Mr. Mackenzie,

**Re: Arctic Canadian Diamond Company Ltd.
Type A Water Licence Amendment Application – W2020L2-0001
Type A Land Use Permit Applications – W2021D0005 and W2021X0004
Point Lake Project
ENR - GNWT Response to IR#1 and IR#4
ENR – GNWT Comments on IR#54 - Revised Draft Workplan
Request for Comment**

The Department of Environment and Natural Resources, Government of the Northwest Territories has reviewed the subject information requests and revised draft workplan based on its mandated responsibilities. The following are ENR - GNWT responses to information requests numbers 1, 4 and 54.

Wildlife and Fish Division, ENR - GNWT response to IR #1: To provide currently available caribou collar data from August 1, 2021 to present:

- GNWT-ENR can confirm that it has received the required data sharing request from IEMA and is working to set up a data sharing agreement and to process the data needed to complete IR#2.

Wildlife and Fish Division, ENR – GNWT response to IR #4: Arctic and GNWT - to confirm commitment to meet with Tlicho Government (TG) to identify research questions and plan next steps for data analysis in relation to the data analysis conducted for IR #3:

- The GNWT expects to participate with the TG and other parties in meetings organized by Arctic as part of their process to identify additional analyses of existing data sets that can support refinement of mitigation and monitoring approaches contained in the Wildlife Management and Monitoring Plan (WMMP)

to promote caribou movements through the whole mine site, including the Point Lake Project, in advance of further review of the WMMP.

Water Management and Monitoring Division, ENR- GNWT - Comments on Revised Draft Workplan:

Topic: IR#54 - Revised Public Hearing Date

Comment:

As discussed at the technical session, ENR notes that the revised Public Hearing dates conflict with the Public Hearing for Canadian Zinc (CZN)'s Type A Water Licence Process, which is currently scheduled to be held during the same week. ENR notes that Section 24.1 of the *Mackenzie Valley Resource Management Act* (MVRMA) requires that Boards shall coordinate its activities, including hearings, with other Boards.

ENR has various staff and consultants that are scheduled to participate in the CZN hearing that are also required to attend the Point Lake hearing. As such, if the WLWB chooses to change the dates of the Point Lake hearing to occur on the same dates as the CZN hearing, the involvement and evidence provided by ENR during both of those hearings may be negatively impacted. It is ENR's understanding based on comments made at the Technical Session that this will also be the case for other parties such as Environment and Climate Change Canada (ECCC). As such, ENR is concerned that the scheduling of overlapping hearings has the potential to create a procedural fairness issue and strongly recommends that the WLWB coordinate with the Mackenzie Valley Land and Water Board (MVLWB) to avoid holding Type A Water Licence proceedings on the same dates.

Recommendation:

- 1) ENR strongly recommends that, as per Section 24.1 of the MVRMA, the Wek'èezhì Land and Water Board (WLWB) coordinate with the MVLWB to avoid holding separate Type A Water Licence proceedings during the same week.

Topic 2: IR #54 - Public Review of Information Request Responses

Comment:

ENR is supportive of the proposed review period for the Information Request Responses. This additional review time will provide parties with an opportunity to better formulate their arguments and recommendations for their intervention submissions.

Recommendation:

- 1) ENR recommends that the dates proposed by the WLWB for the review of the Information Request Responses are maintained in the Work Plan.

Comments were provided by ENR technical experts the Water Management and Monitoring Division and the Wildlife and Fish Division and were coordinated and collated by the Environmental Assessment and Monitoring Section (EAM), Environmental Stewardship and Climate Change Division.

Technical questions on IR #1 and #4 can be addressed by:

James Hodson: Habitat and Environmental Assessment, Wildlife and Fish Division by email at James.Hodson@gov.nt.ca or (867) 767-9237 Ext: 53227.

Questions on the revised draft workplan, IR #54, can be addressed by:

Rick Walbourne: A/Manager, Water Regulatory, Water Management and Monitoring Division by email at Rick.Walbourne@gov.nt.ca or (867) 767-9234 Ext: 53113.

For general questions about this submission, please contact Patrick Clancy, Environmental Regulatory Analyst by email at Patrick.Clancy@gov.nt.ca or 867-767-9234 Ext. 53096.

Sincerely,



Patrick Clancy
Environmental Regulatory Analyst
Environmental Assessment and Monitoring Section
Environmental Stewardship and Climate Change Division
Department of Environment and Natural Resources
Government of the Northwest Territories