



Independent Environmental Monitoring Agency

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Scott Stewart
Superintendent, Land and Water
North Slave Region
Department of Environment and Climate Change
140 Bristol Avenue, Yellowknife, NT
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Burgundy Diamond Mines Limited - Sable Development Pad Extension

Dear Scott Stewart,

The Independent Environmental Monitoring Agency (Agency) would like to thank Jamie Steele for his participation in our recent March 7, 2024 meeting to discuss Burgundy Diamond Mines Limited's (Burgundy) request for a Sable Development Pad Extension. Jamie Steele's frank and open responses to our questions has greatly assisted in our understanding of Burgundy's request and the North Slave Region's considerations in preparing Tom Bradbury's March 2, 2024 response to Burgundy.

Following the discussions, Agency Directors identified several addition aspects of the Sable Pad Extension request which would benefit from further clarification and explanation.

Land Use Permit Revision Thresholds

Burgundy's letter dated January 24, 2024 requested approval to extend the Sable ore pad and construct a crusher stockpile pad using 695,629 m³ of granite waste rock sourced from the adjacent Sable open pit. Together, the two pads would increase the Sable development footprint by as much as 21.6 hectares. This follows an earlier request made on July 24, 2023 where Burgundy requested a similar, albeit smaller, expansion of the Sable Truck Park and Mobile Equipment laydown area using 15,850 m³ of Sable granite waste rock which resulted in a footprint increase of 1.8 hectares. In the case of the 2023 request, a public review was coordinated by the Wek'èzhii Land and Water Board (WLWB) while in the case of the 2024 request, a similar referral to the WLWB for public review was not made despite the larger volume of waste rock and significantly greater enlargement of the Project footprint.

The Agency is seeking clarification of the Department of Environment and Climate Change's (ECC) decision-making process when a proponent seeks approval of a change to operations that have been authorized through a Land Use Permit (LUP). Following the 2023 request described above, the WLWB's public review process was undertaken to assess the impacts of a relatively minor construction project (comparatively small volume of construction waste rock and small footprint adjustment), while the recent 2024 request (significantly greater volume of construction waste rock and footprint area adjustment) did not undergo a similar level of public review and scrutiny.

Clarification: Please provide the Agency with the Department's rationale for taking the latter limited approach to consultation and an explanation of how ECC determines which requests for operational changes under a LUP are subject to a public review process and which are reviewed internally.

Land Use Permit Boundary vs. Identified Project Footprint

The Agency's review of the Sable Development Pad Extension request suggests that the two proposed storage pads would be located entirely within the LUP boundary approved under W2016D0003 but extend beyond the approved Project footprint into two relatively untouched adjacent watersheds. Jamie Steele explained that Inspectors are authorized to allow operational changes to take place as long as these changes are within the LUP boundary, regardless of whether the changes extend beyond the project footprint that was previously screened in accordance with the *Mackenzie Valley Resource Management Act* (MVRMA). Could you confirm whether this is the case.

Clarification: Can Inspectors allow operational changes to occur that have not previously been screened under the MVRMA and where the environmental impact resulting from these changes would take place outside the screened and approved Project footprint?

Potential Impacts to Adjacent Watersheds

Our review of Burgundy's request also suggests that the ore pad extension and crusher stockpile pad will extend into the adjacent Ursula watershed located southeast of the existing Sable footprint. While ECC's letter of authorization requires that seepage from the pads be managed as outlined in the Waste Rock and Ore Management Plan and be included in the seepage surveys completed twice a year, the letter is silent on any expectation that aquatic effects monitoring would be expanded to include potentially impacted waterbodies within the Ursula watershed: Mink Lake and UNUW Lake.

Clarification: Was consideration given to the potential impacts that seepage from the new storage pads may have on waterbodies within the Ursula watershed and more specifically, was consideration given to expanding the Aquatic Effects Monitoring Program to include Mink and UNUW lakes?

Use of Sable Granite for Pad Construction

Ekati's Waste Rock and Ore Storage Management Plan Version 12.0 states that non-potentially acid generating (non-PAG) granite and Lynx diabase materials are suitable for general construction and reclamation use at Ekati, and includes, among other uses, the construction of pads for buildings and equipment laydown areas.

Geochemical testing of granite waste rock at Sable pit was discontinued in 2019 after two years of sampling and has not been undertaken since that time. Burgundy has argued that Sable granite produced during the first two years of open pit operation was similar to granite produced in other areas of Ekati, which was deemed to be non-PAG and therefore further geochemical testing of waste rock from the Sable pit is not necessary.

Clarification: Were geochemical test results of recently-mined Sable granite waste rock provided as part of the pad extension request? If not, what assurances did Burgundy provide that the waste rock to be used to construct the ore and crusher pad extensions is geochemically similar to Sable waste rock mined prior to 2019 (i.e., geochemically inert and non-PAG in nature)?

Your responses to these questions would be appreciated and will assist the Agency in better understanding Departmental procedures when assessing future LUP revision requests.

Should you have any questions or wish clarification of what we are trying to better understand, the Agency is pleased to discuss these at your convenience.

Sincerely,



Emery Paquin
Chairperson

Cc: Wek'eezhii Land and Water Board – Ryan Fequet, Anneli Jokela
Burgundy Diamond Mines – Kurtis Trefry, Lindsay Seier, Sheila Chernys
Tłı̄chǫ Government – Violet Camsell-Blondin, Brett Wheler
Yellowknives Dene First Nation – Ryan Miller, Johanne Black
łutsel K'e Dene First Nation – LKDFN Lands Manager
North Slave Metis Alliance – Orna Phelan, Noah Johnson, Alex Alan
Kitikmeot Inuit Association – Katrina Hatogina
Government of the Northwest Territories – Laurie McGregor
Crown-Indigenous Relations and Northern Affairs Canada – Megan Larose, Michael Roesch