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July 9, 2024

File: W2024D0006

Shelia Chernys  
Arctic Canadian Diamond Company Ltd.  
Suite 900, 604 Fourth Street S.W.,  
Calgary, Alberta, T2P 1T1

Sent by email

Dear Shelia Chernys,

**Re: Sable Underground Project– Issuance Package – Land Use Permit – Mining and Milling – Ekati, NT**

The Wek'èezhì Land and Water Board (Board) met on June 28, 2024 and considered the Application Package from Arctic Canadian Diamond Company (Arctic) for Land Use Permit (Permit) W2024D0006 for the Sable Underground Project (Project) in accordance with the *Mackenzie Valley Resource Management Act* (MVRMA).

The Board has approved Land Use Permit W2024D0006 (attached) for a term of two years, effective July 9, 2024 and expiring July 8, 2026. The Permit is supported by the Board's Reasons for Decision. These documents are posted to the Board's Public Registry.<sup>1</sup>

Inspectors

The Inspectors referred to in the Permit can be contacted at the regional GNWT-ECC offices.<sup>2</sup>

Permit Processes and Additional Information

Sections 5 and 6 of the Land and Water Board (LWB) *Guide to the Land Use Permitting Process*<sup>3</sup> (Guide) contain detailed information on permit enforcement and potential post-issuance processes, such as

<sup>1</sup> See WLWB Online Registry ([www.wlwb.ca/](http://www.wlwb.ca/)) for [W2024D0006](#).

<sup>2</sup> See GNWT-ECC Regional Offices webpage (<https://www.ecc.gov.nt.ca/en/regional-offices>) for regional contact information.

<sup>3</sup> See WLWB Policies and Guidelines webpage for LWB [Guide to the Land Use Permitting Process](#).

amendments to conditions, and assignment to another company. Please be familiar with these sections of the Guide and reach out to Board staff with any questions about LWB processes related to the Permit.

Full cooperation of Arctic is anticipated and appreciated. Please contact Rhiana Bams via [email](#) or at (867) 765-4583 with any questions or concerns regarding this letter.

Yours sincerely,



Mason Mantla  
Chair, Wek'èezhìi Land and Water Board

BCC'd to: Ekati Distribution List  
Jamie Steele – Inspector, GNWT-ECC  
Rick Walbourne – Director, Regulatory and Permitting – GNWT-ECC  
Scott Stewart – GNWT-ECC

Attached: Land Use Permit W2024D0006



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**Arctic Canadian Diamond Company  
Land Use Permit W2024D0006**

Pursuant to the *Mackenzie Valley Resource Management Act* and Mackenzie Valley Land Use Regulations, the Wek'èezhì Land and Water Board grants this Land Use Permit to:

Arctic Canadian Diamond Company  
(Permittee)

of Suite 900, 604 Fourth Street S.W., Calgary, Alberta, T2P 1T1  
(Mailing Address)

hereinafter called the Permittee, to proceed with the following land-use operation, subject to the annexed definitions and conditions contained therein:

<b>Location:</b>	Sable Underground Project, Ekati Mine, NT
<b>Purpose:</b>	Mining Exploration - Mine Shaft
<b>Type:</b>	Type A
<b>Effective Date:</b>	July 9, 2024
<b>Expiry Date:</b>	July 8, 2026

A handwritten signature in black ink, appearing to read "Mason Mantla".

Mason Mantla, Chair  
Wek'èezhì Land and Water Board

A handwritten signature in blue ink, appearing to read "K. DeFrancis".

Kassandra DeFrancis, Witness

## Part A: Scope of Permit

1. This Permit entitles the Permittee to conduct the following land-use operation to support the Sable Underground Development:
  - a) extraction of waste rock resulting from construction of a portal, decline to the first production level, and fresh air raise;
  - b) placement of waste rock into the Sable waste rock storage areas;
  - c) installation and operation of supporting equipment and infrastructure;
  - d) storage of fuels; and
  - e) associated and supporting activities.

Land use activities will occur within the boundaries of Land Use Permit W2024D0006.

2. This Permit is issued subject to the conditions contained herein with respect to the use of land for the activities and area identified in Part A, item 1 of this Permit.
3. Compliance with the terms and conditions of this Permit does not excuse the Permittee from its obligation to comply with the requirements of any applicable Federal, Territorial, Thçhç, or Municipal laws.

## Part B: Definitions (defined terms are capitalized throughout the Permit)

**Act** - the *Mackenzie Valley Resource Management Act*.

**Board** - the Wek'èezhì Land and Water Board established under Part 3 of the Act.

**Closure and Reclamation** - the process and activities that facilitate the return of areas affected by the Project to viable and, wherever practicable, self-sustaining ecosystems that are compatible with a healthy environment, human activities, and the surrounding environment.

**Engagement Plan** - a document, developed in accordance with the Board's *Engagement and Consultation Policy* and the *Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits*, that clearly describes how, when, and which engagement activities will occur with an affected party during the life of the project.

**Fuel Storage Container** - a container for the storage of petroleum or allied petroleum products with a capacity of less than 230 litres.

**Fuel Storage Tank** - a closed container for the storage of petroleum or allied petroleum products with a capacity of more than 230 litres.

**Habitat** - the area or type of site where a species or an individual of a species of wildlife naturally occurs or on which it depends, directly or indirectly, to carry out its life processes.

**Inspector** - an Inspector designated by the Minister under the Act.

**Minister** - the Minister of Indian Affairs and Northern Development Canada or the Minister of the Government of the Northwest Territories – Department of Lands, as the case may be.

**Ordinary High-Water Mark** - the usual or average level to which a body of water rises at its highest point and remains for sufficient time so as to change the characteristics of the land. In flowing waters (rivers, streams) this refers to the “active channel/bank-full level” which is often the 1:2 year flood flow return level. In inland lakes, wetlands, or marine environments, it refers to those parts of the Watercourse bed and banks that are frequently flooded by water so as to leave a mark on the land and where the natural vegetation changes from predominately aquatic vegetation to terrestrial vegetation (excepting water tolerant species). For reservoirs, this refers to normal high operating levels (full supply level).

**Permittee** - the holder of this permit.

**Progressive Reclamation** - Closure and Reclamation activities conducted during the operating phase of the project.

**Sable Development** - all of the activities and facilities associated with the construction, operation, and reclamation of the Sable pit and underground, excluding the Sable haul road, as defined in Water Licence W2022L2-0001.

**Secondary Containment** - containment that prevents liquids that leak from Fuel Storage Tanks or containers from reaching outside the containment area and includes double-walled Tanks, piping, liners, and impermeable barriers.

**Spill Contingency Plan** - a document, developed in accordance with Aboriginal Affairs and Northern Development Canada’s *Guidelines for Spill Contingency Planning* that describes the set of procedures to be implemented to minimize the effects of a spill.

**Safety Data Sheet** - a technical document, typically written by the manufacturer or supplier of a chemical, that provides information about the hazards associated with the product, advice about safe handling and storage, and emergency response procedures.

**Sump** - a human-made pit or natural depression in the earth's surface used for the purpose of depositing Waste that does not contain Toxic Material, such as non-toxic Drilling Waste or Sewage, therein.

**Toxic Material** - any substance that enters or may enter the environment in a quantity or concentration or under conditions such that it:

- a) Has or may have an immediate or long-term harmful effect on the environment or its biological diversity;
- b) Constitutes or may constitute a danger to the environment on which life depends; or
- c) Constitutes or may constitute a danger in Canada to human life or health.

**Waste** - any garbage, debris, chemical, or Toxic Material to be used, stored, disposed of, or handled on land, and also as defined in section 51 of the Act.

**Waste Management Plan** - a document, developed in accordance with the Board's Guidelines for Developing a Waste Management Plan, that describes the methods of Waste management from Waste generation to final disposal.

**Watercourse** - a natural body of flowing or standing water or an area occupied by water during part of the year, and includes streams, springs, swamps and gulches but does not include groundwater.

**Part C: Conditions Applying to All Activities** (headings correspond to subsection 26(1) of the Mackenzie Valley Land Use Regulations)

Condition	Category
<b>26(1)(a) Location and Area</b>	
1. The Permittee shall only conduct this land-use operation on lands designated in the application.	LOCATION OF ACTIVITIES
2. The Permittee shall locate all lines, trails, and right-of-ways to be constructed parallel to any Watercourse a minimum of 30 metres from the Ordinary High-Water Mark, except at crossings.	PARALLEL WATERCOURSE SETBACK
3. The Permittee shall not construct parallel lines or roads, unless an existing line or road cannot be used.	PARALLEL ROADS
<b>26(1)(b) Time</b>	
4. At least 48 hours prior to the initial commencement of the land-use operation, the Permittee's Field Supervisor shall notify the Board and contact an Inspector at (867) 767-9187 ext. 24188.	INITIAL NOTIFICATION – CONTACT INSPECTOR
<b>26(1)(c) Type and Size of Equipment</b>	
5. The Permittee shall only use equipment of a similar type, size, and number to that listed in the complete application.	USE APPROVED EQUIPMENT
<b>26(1)(d) Methods and Techniques</b>	
<i>Intentionally left blank.</i>	
<b>26(1)(e) Type, Location, Capacity, and Operation of All Facilities</b>	
6. The Permittee shall ensure that the land use area is kept clean at all times.	CLEAN WORK AREA

**26(1)(f) Control or Prevention of Ponding of Water, Flooding, Erosion, Slides, and Subsidence of Land**

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| 7.  | The Permittee shall install and maintain suitable erosion control structures as the land-use operation progresses  | <b>PROGRESSIVE EROSION CONTROL</b> |
| 8.  | The Permittee shall only conduct off-road vehicle travel on snow-covered surfaces.   | <b>OFF-ROAD VEHICLE TRAVEL</b>     |
| 9.  | The Permittee shall prepare the site in such a manner as to prevent rutting or gouging of the ground surface.  | <b>PREVENTION OF RUTTING</b>       |
| 10. | The Permittee shall suspend overland travel of equipment or vehicles at the first sign of rutting or gouging.  | <b>SUSPEND OVERLAND TRAVEL</b>     |
| 11. | The Permittee shall not move any equipment or vehicles unless the ground surface is in a state capable of fully supporting the equipment or vehicles without rutting or gouging. | <b>VEHICLE MOVEMENT FREEZE-UP</b>  |
| 12. | The Permittee shall not cut any stream bank, unless otherwise authorized in writing by an Inspector.   | <b>STREAM BANKS</b>                |

**26(1)(g) Use, Storage, Handling, and Ultimate Disposal of Any Chemical or Toxic Material**

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| 13. | At least seven days prior to the use of any chemicals that were not identified in the complete application, the Safety Data Sheets must be provided to the Board and an Inspector.                                    | <b>CHEMICALS</b>                |
| 14. | The Permittee shall dispose of all Toxic Material as described in the approved Waste Management Plan.   | <b>WASTE CHEMICAL DISPOSAL</b>  |
| 15. | The Permittee shall dispose of all Waste petroleum products by removal to an approved disposal facility or by incineration in a device designed for this purpose, as described in the approved Waste Management Plan. | <b>WASTE PETROLEUM DISPOSAL</b> |

**26(1)(h) Wildlife and Fish Habitat**

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| 16. | The Permittee shall take all reasonable measures to prevent damage to wildlife and fish Habitat during this land-use operation. | <b>HABITAT DAMAGE</b> |
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**26(1)(i) Storage, Handling, and Disposal of Refuse or Sewage**

17. The Permittee shall dispose of all Waste as described in the **Waste Management Plan**, once approved, and shall annually review the plan and make any necessary revisions to reflect changes in operations, technology, chemicals, or fuels, or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval.

**WASTE MANAGEMENT**

**26(1)(j) Protection of Historical, Archaeological, and Burial Sites**

18. The Permittee shall not operate any vehicle or equipment within 150 metres of a known or suspected historical or archaeological site or burial ground.
19. The Permittee shall not knowingly remove, disturb, or displace any archaeological specimen or site.
20. The Permittee shall, where a suspected archaeological or historical site, or burial ground is discovered:
- a) immediately suspend operations on the site; and
  - b) notify the Board at (867) 765-4592 or an Inspector at (867) 767-9187 ext. 24188, and the Prince of Wales Northern Heritage Centre at 767-9347 ext. 71251 or ext. 71255.

**ARCHAEOLOGICAL BUFFER**

**SITE DISTURBANCE**

**SITE DISCOVERY AND NOTIFICATION**

**26(1)(k) Objects and Places of Recreational, Scenic, and Ecological Value**

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**26(1)(l) Security Deposit**

21. All costs to remediate the area under this Permit are the responsibility of the Permittee.

**RESPONSIBILITY FOR REMEDIATION COSTS**

**26(1)(m) Fuel Storage**

22. The Permittee shall:
- a) examine all Fuel Storage Containers and Tank for leaks; and
  - b) repair all leaks immediately.

**REPAIR LEAKS**

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| 23. | The Permittee shall place Fuel Storage Containers and or Tanks a minimum of 100 metres from the Ordinary High-Water Mark of any Watercourse, unless otherwise authorized in writing by an Inspector.   | <b>FUEL STORAGE SETBACK</b>                  |
| 24. | The Permittee shall ensure that all fuel caches have adequate Secondary Containment.   | <b>FUEL CACHE SECONDARY CONTAINMENT</b>      |
| 25. | The Permittee shall set up all refueling points with Secondary Containment.  | <b>SECONDARY CONTAINMENT<br/>- REFUELING</b> |
| 26. | The Permittee shall not allow petroleum products to spread to surrounding lands or Watercourses.   | <b>FUEL CONTAINMENT</b>                      |
| 27. | The Permittee shall mark all Fuel Storage Containers and Tanks with the Permittee's name.  | <b>MARK CONTAINERS AND TANKS</b>             |
| 28. | The Permittee shall mark all stationary fuel caches and fuel storage facilities with flags, posts, or similar devices so that they are at all times plainly visible to local vehicle travel.   | <b>MARK FUEL LOCATION</b>                    |
| 29. | The Permittee shall have a maximum of 2,050,000 litres of fuel stored on the land use site at any time, unless otherwise approved by the Board.  | <b>MAXIMUM FUEL ON SITE</b>                  |
| 30. | Within ten days of the establishment of any fuel cache, the Permittee shall report the location and quantity of the cache in writing to the Board and an Inspector.  | <b>REPORT FUEL LOCATION</b>                  |
| 31. | The Permittee shall seal all outlets of Fuel Storage Containers and store the containers on their sides with the outlets located at 3 and 9 o'clock, except for containers currently in use.   | <b>SEAL OUTLET</b>                           |
| 32. | The Permittee shall comply with the <b>Spill Contingency Plan</b> , once approved, and shall annually review the plan and make any necessary revisions to reflect changes in operations, technology, chemicals, or fuels, or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval. | <b>SPILL CONTINGENCY PLAN</b>                |
| 33. | Prior to commencement of the land-use operation the Permittee shall ensure that spill-response equipment is in place to respond to any potential spills.   | <b>SPILL RESPONSE</b>                        |

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| 34. | When not in use, all equipment shall have a hazmat/drip tray under it or be sufficiently diapered. Leaky equipment shall be repaired immediately.  | <b>DRIP TRAYS</b>      |
| 35. | The Permittee shall clean up all leaks, spills, and contaminated material immediately  | <b>CLEAN UP SPILLS</b> |
| 36. | <p>During the period of this Permit, if a spill occurs or is foreseeable, the Permittee shall:</p> <p>a) implement the approved Spill Contingency Plan;</p> <p>b) report it-immediately using the NU-NT Spill Report Form by one of the following methods:</p> <ul style="list-style-type: none"> <li>• Telephone: (867) 920-8130</li> <li>• Fax: (867) 873-6924</li> <li>• E-mail: <a href="mailto:spills@gov.nt.ca">spills@gov.nt.ca</a></li> <li>• Online: Spill Reporting and Tracking Database</li> </ul> <p>c) within 24 hours, notify the Board and an Inspector; and</p> <p>d) within 30 days of initially reporting the incident, submit a detailed report to the Board and an Inspector, including descriptions of causes, response actions, and any changes to procedures to prevent similar occurrences in the future. Any updates to this report shall be provided to the Board and an Inspector in writing as changes occur.</p> | <b>REPORT SPILLS</b>   |

**26(1)(n) Methods and Techniques for Debris and Brush Disposal**

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| 37. | The Permittee shall not clear areas larger than identified in the complete application. | <b>MINIMIZE AREA CLEARED</b> |
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**26(1)(o) Restoration of the Lands**

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| 38. | All outstanding liabilities and obligations of the Permittee in relation to work performed or required to be performed under Land Use Permit W2016D0003 are fully incorporated into and subsumed under this Permit, and the Permittee must therefore complete the restoration and other obligations set out in or incurred under Permit W2016D0003, as well as such further obligations as may be set out in or incurred under this Permit. | <b>TRANSFER OF LIABILITIES</b> |
| 39. | The Permittee shall adhere to the approved Closure and Reclamation Plan.  | <b>RECLAMATION PLANNING</b>    |

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| 40.  | The Permittee shall save the organic soil stripped from the land use area and shall use the organic soil for reclamation as approved by the Board, or otherwise authorized in writing by an Inspector.  | <b>SAVE AND PLACE ORGANIC SOIL</b>   |
| 41.  | Prior to the end of the land-use operation, the Permittee shall complete all cleanup and restoration of the lands used.   | <b>FINAL CLEANUP AND RESTORATION</b> |
| 42.  | The Permittee shall carry out Progressive Reclamation of disturbed areas as soon as it is practical to do so.   | <b>PROGRESSIVE RECLAMATION</b>       |
| <b>26(1)(p) Display of Permits and Permit Numbers</b>          |   |                                      |
| 43.  | The Permittee shall display a copy of this Permit in each campsite established to carry out this land-use operation.  | <b>DISPLAY PERMIT</b>                |
| <b>26(1)(q) Biological and Physical Protection of the Land</b> |   |                                      |
| 44.  | If any plan is not approved by the Board, the Permittee shall revise the plan according to the Board's direction and re-submit it to the Board for approval.  | <b>RESUBMIT PLAN</b>                 |
| 45.  | The Permittee shall comply with the <b>Engagement Plan</b> , once approved, and shall annually review the plan and make any necessary revisions to reflect changes in operations or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval. | <b>ENGAGEMENT PLAN</b>               |
| 46.  | All revised plans submitted to the Board shall include a brief summary of the changes made to the plan.   | <b>SUMMARY OF CHANGES</b>            |