



JAY PROJECT

GOVERNMENT OF THE NORTHWEST TERRITORIES

TECHNICAL REPORT RESPONSES

August 2015



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Abbreviations

Abbreviation	Definition
AEMP	Aquatic Effects Monitoring Program
AMRP	Adaptive Management Response Plan
CCME	Canadian Council of Ministers of Environment
CRMP	Caribou Road Mitigation Pla
CWS	Canada-Wide Standards
DAR	Developer's Assessment Report
Dominion Diamond	Dominion Diamond Ekati Corporation
EC	Environment Canada
Ekati Mine	Ekati Diamond Mine
ENR	Environment and Natural Resources (for GNWT)
GNWT	Government of Northwest Territories
IR	information request
MVEIRB	Mackenzie Valley Environmental Impact Review Board
NWT	Northwest Territories
PK	processed kimberlite
Project	Jay Project
TDS	total dissolved solids
WEMP	Wildlife Effects Monitoring Plan
WLWB	Wek'èezhìi Land and Water Board

Units of Measure

Unit	Definition
%	percent



1 INTRODUCTION

Dominion Diamond submitted a Developer's Assessment Report (DAR) to the Mackenzie Valley Environmental Impact Review Board (MVEIRB) in November 2014. Following completion of the DAR, Dominion Diamond submitted Round 1 and Round 2 information request (IR) responses (April 7, 2015 and July 3, 2015, respectively), and attended Technical Sessions hosted by MVEIRB in Yellowknife between April 21 and 24, 2015, to address regulator and parties' questions and concerns in regard to the Jay Project (Project) and the DAR.

On July 31, 2015, Government of Northwest Territories (GNWT) submitted their technical report to MVEIRB for the Project outlining recommendations on remaining topics of concern. This report provides responses to those recommendations outlined in the GNWT technical report (GNWT 2015), with the intent of clarifying these remaining topics as the Project moves into the MVEIRB Hearings Phase.



2 RECOMMENDATION AND RESPONSE

2.1 Atmospheric Environment

2.1.1 Recommendation 1: Ambient Air Quality

The GNWT requests that DDEC commit to adopt the AMRP triggering criteria outlined in the table below, and that MVEIRB recognize this commitment as one of the developer's commitments to be included in the scope of development for this EA. For clarity, the table displays DDEC's triggering criteria as proposed in its draft Conceptual Air Quality and Emission Monitoring and Management Plan for the Jay Project, as well as the GNWT's recommended triggering criteria for each associated action level.

Table 1: AMRP triggering criteria

Action Level	DDEC Proposed Triggering Criteria	GNWT Recommended Triggering Criteria
1 st Action Level	Concentrations less than 80% of the applicable ambient air quality standard AND less than +20% year to year change	1) Concentrations below 80% of the applicable air quality standard -OR- 2) Less than 10% year to year change in concentrations AND above 50% of the applicable air quality standard
2 nd Action Level	Concentrations less than 80% of the applicable ambient air quality standard AND +20% year to year change	1) Concentrations between 80% & 90% of the applicable air quality standard -OR- 2) 10% - 20% year to year change in concentrations AND above 50% of the applicable air quality standard
3 rd Action Level	Concentrations above 80% of the applicable ambient air quality standard AND more than +10% year to year change	1) Concentrations above 90% of the applicable air quality standard -OR- 2) More than 20% change year to year in concentrations AND above 50% of the applicable air quality standard

2.1.2 Response 1

Dominion Diamond agrees with the recommendations of the GNWT with the following minor revisions noted below in Table 2.1-1 (underlined text to identify the change). Dominion Diamond recommends these final revisions to ensure that the development of action plans are prepared for a change based on an increase in year to year concentrations.

**Table 2.1-1 Adaptive Management Response Plan Triggering Criteria**

Action Level	Dominion Diamond Revised Triggering Criteria
1st Action Level	1) Concentrations below 80% of the applicable air quality standard -OR- 2) Less than 10% year to year <u>increase</u> in concentrations AND above 50% of the applicable air quality standard
2nd Action Level	1) Concentrations between 80% and 90% of the applicable air quality standard -OR- 2) 10% - 20% year to year <u>increase</u> in concentrations AND above 50% of the applicable air quality standard
3rd Action Level	1) Concentrations above 90% of the applicable air quality standard -OR- 2) More than 20% <u>increase</u> year to year in concentrations AND above 50% of the applicable air quality standard

% = percent.

2.1.3 Recommendation 2: Waste Incineration Emissions

The GNWT recommends that MVEIRB determine that a significant adverse impact to sediment and soil quality is likely from the incineration approach that the developer is proposing for the Jay Project, and that MVEIRB include the following as measures to prevent the likely significant adverse impact:

- DDEC must submit any waste incinerator stack test results to ENR and EC within 45 days of completing a stack test.
- In the event of a failed stack test, DDEC must develop and submit to ENR and EC an Adaptive Management Response Plan (AMRP) within 90 days of the failed stack test. The AMRP should contain an assessment of the incinerator operations and management that would have contributed to the failed stack test, and methods to improve/rectify them. DDEC should implement these methods immediately upon submission of the AMRP.
- DDEC will re-stack test the incinerators within 6 months of the initial failed stack test. The second stack test will verify the effectiveness of the adaptive management response measures and compliance to the CWS. All stack tests must be conducted in accordance with national standards, and include detailed documentation to demonstrate that representative composition and batch size of waste were used during the testing process. Exemptions for the second stack test may occur based on a review conducted by ENR, in consultation with EC.

2.1.4 Response 2

Dominion Diamond disagrees that the MVEIRB should determine that a significant adverse impact to sediment and soil quality is likely from the waste incineration approach that has already been adopted by the Ekati Mine and is proposed for the Project. Dominion Diamond disagrees for the following reasons:



- Dominion Diamond has committed to using an incinerator that is capable of meeting the Canada-Wide Standards (CWS) from the Canadian Council of Ministers of Environment standards for dioxins, furans, and mercury emissions;
- Stack testing completed at Dominion Diamond's incinerator in June of 2013 at the Ekati Mine show that the on-site waste streaming process, incinerator operation, and monitoring is effective at meeting the CWS;
- Dominion Diamond has committed to continuation and on-going improvement of its Ekati Mine Incineration Management Plan that directs the incineration process in accordance with the manufacturer's instructions and the Environment Canada Guidance Document on Batch Incineration that may include:
 - A waste segregation/diversion procedure;
 - Removal of plastics and substitution of corn and bamboo based products at the Ekati Mine;
 - Appropriate batch sizing including weighing and mixing; and,
 - Monitoring and maintaining records of operating parameters (temperature in primary and secondary chambers, residence time) and quarterly performance monitoring.
- Dominion Diamond has committed to a rigorous stack testing regime that will enable assessment of ongoing compliance with the CWS.

Dominion Diamond agrees to submit any waste incinerator stack test results to GNWT Environment and Natural Resources (ENR) and Environment Canada (EC).

The incinerator stack test results will be submitted to ENR and EC within 45 days of receipt of the results from the contracted testing laboratory, unless events beyond Dominion Diamond's control prevent it.

In the event of a failed stack test, Dominion Diamond will develop and submit to ENR and EC an AMRP within 90 days of the receipt of the results indicating a failed stack test. The AMRP will contain an assessment of the incinerator operations and management likely to have contributed to the failed stack test, and a plan for further investigation or direct rectification of an identified source. Dominion Diamond will implement the AMRP immediately upon submission.

In the event of a failed stack test, Dominion Diamond will complete a follow-up stack test at a frequency determined to be appropriate through the ARMP until the test is passed. The stack tests will verify the effectiveness of the adaptive management response measures and compliance to the CWS. All stack tests will be conducted in accordance with national standards, and will include detailed documentation to demonstrate that representative composition and batch size of waste were used during the testing process.



2.2 Water Quality

2.2.1 Recommendation 3: Water Quality Impact Assessments and Assessment Boundaries

GNWT recommends that MVEIRB include a measure that minimizes impacts at localized scales from dike construction, dewatering, operation and closure of the Jay Project Site, and its associated project activities at the Ekati Mine Site, to the extent practical. These local boundaries should include the initial mixing zone, Lac du Sauvage, Leslie Lake, and Kodiak Lake.

2.2.2 Response 3

Dominion Diamond does not agree that such a measure is required. Dominion Diamond presented a DAR that comprehensively evaluated the Project and concluded that significant adverse effects were not anticipated to water quality in the receiving environment as a result of Project activities. Through the environmental assessment process, Dominion Diamond has repeatedly committed to effectively reduce the potential for impacts to the receiving environment through the operation of the mine under its proposed water management plan (e.g., limiting the period of discharge to the receiving environment for less than half the operating years). Additionally, the operation of the mine will be undertaken through the oversight of Wek'èezhìi Land and Water Board (WLWB)-approved monitoring programs and management plans, which outline mitigations, limits and action levels for evaluation of monitoring data, adaptive management strategies and contingencies, and monitoring programs. Through the WLWB permitting process, approval of these management plans, such as the water management plan, and monitoring programs is achieved following a review process, which includes a high level of engagement.

In the DAR, potential effects of the Project to the aquatic environment were evaluated at the local and regional scales. Projected changes to water quality in Lac du Sauvage (including the initial mixing zone), and projected changes to water quality in Lac de Gras (due to inputs from Lac du Sauvage and the Koala watershed) were provided in the DAR (Section 8.5.4.2) and in response to various IRs (e.g., DAR-IEMA-IR-04, DAR-GNWT-IR2-04, DAR-MVEIRB-IR2-09). Projected water quality was evaluated relative to water quality objectives and guidelines; at all locations, during all Project phases, concentrations were projected to be less than the objectives and guidelines, and thus, the incremental and cumulative effects from the Project and previous and existing developments are expected to not have a significant adverse effect on water quality.

Monitoring will be used to identify if Project activities have the potential to result in impacts to the receiving environment. Operational monitoring data (e.g., seepage data from geochemical audits, pit and sump water quality data from the Surveillance Network Program) will be collected within the mine footprint and water quality (along with other aquatics component) data (e.g., Aquatic Effects Monitoring Program [AEMP]) will be collected in the receiving environment. These data will be evaluated to determine if additional mitigation or changes to the mine water management plan are required. Data from the AEMP, for example, will be tracked over time and evaluated relative to action levels based on deviations from expected conditions (to be developed through the water licencing process). Appropriate action levels will be set to evaluate monitoring results and trigger adaptive management responses, if required, before an impact eventuates. As described in the conceptual AEMP for the Project (Dominion Diamond 2015a), the aquatic environment will be monitored in the predicted zone of influence (i.e., the Project footprint and the



Lac de Gras watershed, including Lac du Sauvage, Lac de Gras, and the small lakes and streams located in close proximity to the Project infrastructure).

Also, as described in the DAR and IRs (e.g., DAR-GNWT-IR2-15 and DAR-GNWT-IR2-16), mitigation strategies within the Project mine plan were incorporated into the mine design to minimize potential impacts at localized scales. For example, erosion and sediment management controls (e.g., silt curtains) will be used to reduce the transport of sediment from dike construction activities into Lac du Sauvage. It is expected that a water quality monitoring and management plan for dike construction will be prepared for the WLWB prior to the start of construction. As part of the Water Licence process, this plan will include total suspended solids limits for the Jay Dike construction.

As a result, additional measures as recommended by the GNWT are not required.

2.2.3 Recommendation 4: Effects Assessment, Effluent Quality and Site Specific Water Quality Objectives

GNWT recommends that in order to prevent the potential for significant environmental impact to VCs (i.e. water quality and fish and fish habitat) in Lac du Sauvage and Lac de Gras during operations and post closure:

- MVEIRB include a measure requiring that effluent discharge from Misery Pit be managed such that sufficient storage volume is available in later years to curtail effluent discharge volumes in Years 9 and 10. This should include an evaluation of discharging effluent in Year 3. The above evaluation of management action should focus on accumulating the worst quality mine water within the Misery Pit to reduce toxicity concerns and impacts to Lac du Sauvage and promote more stable meromictic conditions post closure.
- MVEIRB include a measure requiring that additional volumes of Mine Water from Misery Pit be pumped to Jay Pit at closure and an increase to the proposed water cap over Misery Pit Lake to a depth greater than 60 m. Doing so would result in better water quality in the near surface waters of the Misery Pit Lake than predicted in this environmental assessment and result in better water quality post closure (i.e. goal for long term Mixolimnion concentrations ≤ 500 mg/L TDS).

2.2.4 Response 4

Dominion Diamond disagrees with these recommendations on the basis that they are not necessary, are overly prescriptive, and do not allow for adaptive management that will otherwise occur when operational data become available. Based on the rationale provided below, Dominion Diamond recommends against the MVEIRB prescribing the detailed operating measures recommended by the GNWT.

The water quality modelling included in the DAR and subsequent submissions to the MVEIRB conservatively demonstrates that the Jay Project mine water management plan will not result in significant adverse effects to Lac du Sauvage and Lac de Gras during operations, closure, or post-closure. The mine water management plan presented in the DAR is designed to allow lower density surficial runoff water to be vertically displaced within the Misery Pit by higher density groundwater pumped from the Jay Pit to the bottom of the Misery Pit. This approach provides for acceptable effluent water quality later in the life of the Project and for closure.



The Project mine water management plan also provides these environmental mitigations:

- it allows for operational monitoring in the absence of effluent discharge to Lac du Sauvage to further study and understand the key controls on water quality in the Jay Pit and initiate adaptive management, if required.
- it precludes concurrent operational discharge with the Diavik Mine, thereby reducing cumulative effects in Lac de Gras; and,
- the exposed wall rock in Misery Pit is composed of approximately 50% metasediment and expediting the back-flooding of Misery Pit will more quickly achieve the closure objectives for this facility and reduce loadings of potential contaminants into the Misery Pit during operations.

Dominion Diamond has completed several additional model scenarios (i.e., in addition to the modelling provided in the DAR) to test the likelihood of meromixis forming in the pits, including:

- The updated assessment case;
- The reasonable estimate case;
- The lower bound case; and,
- The extreme event scenario.

In addition to the above scenarios, through ongoing engagement with the GNWT, Dominion Diamond developed a two-dimensional Monte Carlo model and a three-dimensional First Order Approximation model to apply confidence limits to the groundwater inflows in the first three scenarios listed above. Based on the outcomes of all the modelling completed to date, Dominion Diamond has adequately bracketed the expected range of conditions that could occur in the Misery and Jay pits during operations, closure, and post-closure. Under all scenarios, meromixis was shown to develop and remain stable over the model timeframe of 200 years. Therefore, Dominion Diamond does not consider it necessary or appropriate to modify the water management plan at this time for the purpose of promoting meromixis. Dominion Diamond also disagrees that a provision should be provided to include a measure requiring that additional volumes of minewater from Misery Pit be pumped to Jay Pit at closure to increase the proposed freshwater cap over Misery Pit Lake to a depth greater than 60 metres. As noted in the Round 2 IR response DAR-GNWT-IR2-06 and Response 3 to the Environment Canada Technical Report recommendations, the optimal depth of the freshwater cap required to achieve the desired closure water quality criteria will depend on the actual conditions observed in the Misery Pit (i.e., site-specific data collected during operations). Therefore, for the Ekati Mine Final Closure and Reclamation Plan to be approved by the WLWB, Dominion Diamond will update water quality predictions and determine the optimal depth of freshwater cap.

Dominion Diamond is committed to operating the Project in a manner that is environmentally protective. Therefore, Dominion Diamond will undertake ongoing evaluation of the operating details of the mine water management plan as operational monitoring data become available. Dominion Diamond anticipates that, consistent with current practice at the Ekati Mine, this work may take place through the Wastewater and Processed Kimberlite Management Plan as a requirement of the Ekati Mine Water Licence. This



approach will enable adaptive management to be implemented, if necessary, based on site-specific monitoring data.

2.2.5 Recommendation 5: Processed Kimberlite Management and Pit Lake Closure at Main Site

GNWT recommends that in order to prevent the water quality within the water cap in Panda and Koala Pits from degrading over time and potentially affecting traditional use or Valued Components, MVEIRB include a measure requiring DDEC to conduct an optimization study regarding the storage of PK and slurry water in Panda and Koala Pits, during the operational stage. The outcomes of this study should be implemented to enhance DDEC's ability to meet existing closure objectives for the Panda and Koala Pit Lakes.

2.2.6 Response 5

Dominion Diamond will finalize operational and closure planning for the Panda and Koala pits once the Jay Project Environmental Assessment Process has been successfully completed. This work will include an optimization study as recommended by the GNWT. Dominion Diamond anticipates that, consistent with current practice at the Ekati Mine, this work will be form part of the Wastewater and Processed Kimberlite Management Plan and the Interim Closure and Reclamation Plan as requirements of the Ekati Mine Water Licence. Dominion Diamond suggests that the detailed requirements for operational optimization studies of this nature are appropriate for determination and ongoing regulation by the WLWB through the Ekati Mine Water Licence, which will include a high level of engagement.

2.3 Wildlife and Wildlife Habitat

2.3.1 Recommendation 6: Wildlife and Wildlife Habitat

GNWT requests that MVEIRB recognize the final statement made by DDEC in its response to IEMA-IR-36 as one of the developer's commitments to be included in the scope of development for this EA. This statement reads "DDEC will maintain its commitment throughout the life of the Jay Project to doing what it reasonably can to contribute to and support GNWT-led regional programs to improve the state of the Bathurst caribou herd."

2.3.2 Response 6

This recommendation is not directed to Dominion Diamond; as such, a response is not provided as part of this document.

Dominion Diamond does not object to the inclusion of this statement as a commitment.

2.3.3 Recommendation 7: Conceptual Wildlife Effects Monitoring Plan and Draft Caribou Road Mitigation Plan

GNWT requests that DDEC revise its commitment as follows: "DDEC will maintain its commitment throughout the life of the Jay Project to doing what it reasonably can to contribute to and support GNWT-led regional programs to improve the state of the Bathurst caribou herd, including working with GNWT towards identifying and undertaking mutually acceptable actions that will support regional processes and programs such as those outlined in the CEAMMF, and revising its WEMP to include this commitment and



resulting activities.” GNWT recommends that MVEIRB recognize any such revised commitment as one of the developer’s commitments to be included in the scope of development for this EA.

2.3.4 Response 7

Dominion Diamond has revised the commitment as requested, and added it to Section 5.6.1 (Barren-ground Caribou Management Strategy) of the Wildlife Effects Monitoring Plan (WEMP). By definition, the WEMP is focused on project-specific mitigation and monitoring, and any collaboration with the GNWT (and other agencies, communities and mines) on regional programs for the assessment and management of cumulative effects is outside the scope of analysis and reporting in the WEMP.

2.3.5 Recommendation 8: Conceptual Wildlife Effects Monitoring Plan and Draft Caribou Road Mitigation Plan

GNWT recommends that DDEC commit to revising its WEMP to include each of the following changes and that MVEIRB recognize any such commitment as one of the developer’s commitments to be included in the scope of development for this EA:

- DDEC provide more detailed procedures for key mitigations and monitoring including: road surveys, how collaring information will be used, deterrence procedures, and wildlife encounters/ incidents.
- DDEC revise the objectives of the document to provide a clearer framework for the contents of the plan.
- DDEC further develop the concordance table (Section 1.5) to link specific sections of the document with the various mandates and jurisdiction of the regulatory agencies
- DDEC revise the WEMP to include monitoring to address the prediction that the Jay project will not affect the size and magnitude of the area of caribou avoidance in accordance with the recommendations of the Zone of Influence Technical Task Group, including methods for measuring the Zone of Influence and potential alternate activities.
- DDEC revise the WEMP to provide clearer objectives for the camera monitoring, including supporting methodology, and a section on “Past Scope and Improvements” which explains how the previous work informs the proposed new approach.
- DDEC develop a reliable way to monitor traffic levels and further detail on the approach to monitoring traffic levels be provided in the WEMP, and that traffic modification mitigations linked to those levels be stated (e.g. use of convoys).
- DDEC revise the WEMP to provide more details on procedures for monitoring approaching caribou, including road monitoring and use of collar data, and that they devise and include a method for monitoring approaching caribou at intermediate distances.
- DDEC revise the WEMP to include further detail regarding when and how mitigations for reducing the barrier effect of the road are applied for wildlife VC’s other than caribou.
- DDEC revise the WEMP to ensure that appropriate action levels (whether quantitative or qualitative) with associated actions are applied wherever possible to support adaptive approaches to managing impacts to wildlife.



2.3.6 Response 8

Following the workshop for the WEMP on June 25, 2015, Dominion Diamond has integrated many of the recommendations and suggestions into the Plan, which includes the Caribou Road Mitigation Plan (CRMP) as Appendix B (Dominion Diamond 2015b). The revised versions of the WEMP and CRMP were posted to the MVEIRB Public Registry on July 31, 2015. Specific responses to each of the above recommendations are provided below:

- a) Dominion Diamond has incorporated more details on mitigation and monitoring with respect to road surveys, collar data, deterrence procedures and incidents in Sections 4.2 to 4.5 and Section 5.6.4 of the WEMP, and Section 5 of the CRMP. Appendix E (Standard Operating Procedures and Datasheets) will be included in the WEMP upon approval of the Project.
- b) Objectives have been revised and clarified in Table 1.4-1 of the WEMP.
- c) Concordance table has been completed to show linkages among mandates of regulatory agencies and sections in the WEMP.
- d) Monitoring to address the zone of influence is explained in Section 5.6.5 of the WEMP.
- e) Camera monitoring objectives, past scope and improvements, and methods are provided in Section 5.6.7 of the WEMP.
- f) Dominion Diamond is currently developing a system to collect data on heavy haul traffic along the Misery and Jay roads. The CRMP, which is part of the WEMP, has several triggers and action levels for mitigating traffic effects to caribou and wildlife. These include stopping traffic and giving wildlife the right of way, and reducing speed limits as caribou approach the roads.
- g) Sections 5.6.3 and 5.6.4 of the WEMP have been revised to provide more details on procedures for monitoring approaching caribou.
- h) The key objective of the CRMP is to avoid and minimize changes in migratory movements, energetics (reproduction), and connectivity of the herd, which could otherwise result in significant effects to the population. In contrast, barrier effects were not identified as generating a significant risk to other wildlife populations. Long-term monitoring at the Ekati Mine has detected negligible barrier effects from roads to other wildlife such as carnivores and birds. Although mortality to birds from vehicle collisions has been recorded, roads and vehicles are expected to have no ecological measurable influence on the movement of birds that can fly over these features. Ten fox and one wolf have been killed by vehicles at the Ekati Mine since 1998, but anecdotal and incidental observations suggest that roads and traffic have had little effect on the movement of carnivores. Satellite-collared grizzly bears within 40 kilometres of the Ekati Mine were found to frequently cross and use areas around the Misery Road. As mentioned above, the primary effective mitigation action for limiting road effects is stopping vehicles and giving all wildlife the right of way when they are approaching or on roads. Posting signs and reducing speed limits in areas where wildlife are known to be denning or frequently using has also been implemented at the Ekati Mine. No revisions to the WEMP are required to incorporate additional mitigation for barrier effects to other wildlife.



- i) Adaptive management in mitigation and monitoring has been implemented at the Ekati Mine since 1997. Appendix C of the WEMP provides a summary of the changes to monitoring from 1997 to 2014. Appendix D identifies the hierarchical levels of mitigation actions that have been applied at the Ekati Mine and will be extended to the Project to avoid and limit effects to caribou and wildlife from primary and secondary pathways. Feedback on the effectiveness of mitigation and monitoring for the application of adaptive management in the operations of the Ekati Mine and Jay Project is a key element of the WEMP (Sections 2.2 and 4.5), and will continue to evolve into closure and reclamation of the Mine. Dominion Diamond is of the view that the July 31, 2015 revisions to the WEMP address this issue and no further additions are required to incorporate additional action levels for adaptive management.

2.3.7 Recommendation 9: Conceptual Wildlife Effects Monitoring Plan and Draft Caribou Road Mitigation Plan

The GNWT requests that DDEC provide the next version of the WEMP as soon as possible, ideally prior to the closure of the public record for this EA.

2.3.8 Response 9

A revised version of the WEMP containing the changes identified in Response 8 was submitted to the MVEIRB on July 31, 2015 (Dominion Diamond 2015b).



3 REFERENCES

Dominion Diamond (Dominion Diamond Ekati Corporation). 2015a. Conceptual Aquatic Effects Monitoring Program Design Plan for the Jay Project. Submitted to the Mackenzie Valley Environmental Impact Review Board, Yellowknife, NWT, Canada. June 1, 2015.

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GNWT (Government of the Northwest Territories). 2015. Technical Report, Jay Project, EA1314-01. Submitted to the Mackenzie Valley Environmental Impact Review Board, July 2015. Yellowknife, NWT, Canada.