



January 20, 2017

Hello all,

UPDATE ON MEASURES FROM THE JAY PROJECT REPORT OF ENVIRONMENTAL ASSESSMENT

During the Jay Project Water Licence and Land Use Permit Public Hearing held in December 2016, a number of questions were raised by Aboriginal groups on the status of the Jay Project Report of Environmental Assessment (REA) Measures. As per Measure 13-3, Dominion Diamond Ekati Corporation (DDEC) will be producing and submitting an annual report prior to July 1, 2017 to the Mackenzie Valley Impact Review Board (Review Board). DDEC has been moving forward with a number of the Measures as outlined in the REA since submission of a progress update letter provided to the (Review Board) on June 30, 2016 ([EA1314-01 Measure 13-3 Annual Reporting-30-June-2016.PDF](#)) and information included with the Water Licence application for the Jay Project ([Ekati Jay Project-Appendix Q2-Jay REA Measures Table-Jun7_16.pdf](#)). Note that there are a number of important deadlines and milestones coming up for the Project in relation to the ongoing progress on REA Measures.

Please see the attached table for a brief update on the Measures contained within the REA. If you have any questions or concerns please contact me at 867-669-6116 or Claudine.Lee@Ekati.DDCORP.CA.

Sincerely,

A handwritten signature in cursive script that reads 'Claudine Lee'.

Claudine Lee, M.Sc., P.Geol.
Head – Environment and Communities

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Record #: HSE RCD ENV 636
Document Owner: Environment Department
Date: 20-01-2017
Template # EKA TEM 1852.13



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Discipline	Measure Number	Subject	Description	Party Responsible	Status (as of January 17, 2017)
Impacts to Water Quality	4-1	Closure objectives	<p>To prevent significant cultural impacts after closure from changes in water quality, the Wek'èezhì Land and Water Board will set closure objectives and criteria for the Jay Project components so that Dominion ensures that the area is suitable for traditional uses after closure. Closure objectives and criteria will be set for, but not limited to, the following components of the Jay Project:</p> <ul style="list-style-type: none"> • Jay pit • Misery pit • Lynx pit • Jay waste rock storage area 	Wek'èezhì Land and Water Board	<ul style="list-style-type: none"> • DDEC submitted the Jay Project Closure and Reclamation Plan with the updated WL application. • Closure objectives and criteria were/are being discussed and reviewed during the Jay Project WL proceeding and engagement is ongoing. • A draft version of the WL is expected to be circulated on January 19, 2017 and Reviewers can comment on conditions within the WL at this time.
	4-2(a)	Site Water Management Plan	<p>In order to avoid significant impacts to traditional use in the vicinity of the Jay Project after the Jay Project mining and closure have been completed, Dominion will submit a site water management plan to the Wek'èezhì Land and Water Board for approval, prior to the commencement of dike construction. Dominion will demonstrate how its plan, and the contingencies within, will ensure water quality in the Jay Pit, Misery Pit, Lac du Sauvage, Lac de Gras and downstream will support traditional uses in the vicinity of the Jay Project after closure, while protecting the environment during operations. The plan will include, but not be limited to:</p> <ul style="list-style-type: none"> • a list of contingencies that Dominion can use to manage water during operations and an evaluation of the feasibility of each • a description of the scenarios (i.e., conditions and timing) under which contingencies will be implemented • Dominion's preferred contingencies, with rationales, for each scenario • a description of how Dominion will monitor the quantity and quality of water, to: <ol style="list-style-type: none"> a) calibrate the water models used to make predictions in the EA b) assess the suitability of contingencies c) evaluate the performance of contingencies used 	DDEC	<ul style="list-style-type: none"> • Adaptive management strategies of the Mine Water Management Plan for the Jay Project (Appendix K) were discussed/are being discussed during the Water Licence proceeding. • A draft version of the WL is expected to be circulated on January 19, 2017 and Reviewers can comment on conditions within the WL at this time. • Approval of the Site Water Management Plan is on track to be completed prior to the commencement of dike construction.

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	4-2(b)	Pit lake water quality	<p>To ensure that water quality in the Misery pit and Jay pit is compatible with traditional uses of the area in vicinity of the Jay Project and downstream after closure, Dominion will:</p> <ol style="list-style-type: none"> 1. establish meromixis for the Jay and Misery pits 2. stabilize meromictic pit lakes for the long-term <p>If the above requirements cannot be met, Dominion will develop and implement contingencies to ensure the pit lake water quality is compatible with traditional use after closure. Dominion will submit a list of these contingencies, which describe the feasibility of each contingency, and the conditions and timing under which each would be implemented, to the Wek'èezhìi Land and Water Board for approval prior to the implementation of any contingency.</p> <p>Suggestion When considering the contingencies for water management and meromixis, Dominion and the WLWB should consider the options identified during the environmental assessment, including:</p> <ul style="list-style-type: none"> • providing a deeper cap of freshwater on the Misery and Jay Pits at closure • discharging water to Lac du Sauvage earlier in the life of mine • using additional storage near the Jay Project, including the Lynx pit, the Jay runoff sump and King Pond • using additional storage at the Ekati mine main camp • treating minewater before discharge to the environment 	DDEC	<ul style="list-style-type: none"> • Misery and Jay pits will be incorporated into the Interim Closure and Reclamation Plan (ICRP) for the Ekati mine and will meet closure objectives for pit lakes; specific closure objectives may be developed through the Water Licence process with the Wek'èezhìi Land and Water Board (WLWB). • Dominion Diamond has committed to an optimization study on the optimal depth of the Misery Pit freshwater cap based on site-specific data collected during operations for the Ekati mine Final Closure and Reclamation plan for approval from the WLWB <ul style="list-style-type: none"> – Referenced in the Jay Project Mine Water Management Plan (Section 5.1) and the Conceptual Closure and Reclamation Plan (Section 5.4.2.1.1) and the Updated Project Description (Section 1.2). • Monitoring for the establishment of meromixis included in the proposed Surveillance Network Program (SNP; Appendix L). • Contingencies for water management discussed under Measure 4-2(a). • Adaptive management for the development of meromixis at closure included in the Conceptual Closure and Reclamation Plan (Sections 5.4.1.1 and 5.4.2.1.1). • All these plans listed above are included and are/were subject to review during the Water Licence proceeding for the Jay Project. The Water Licencing proceeding is currently ongoing.
	4-3	Fine processed kimberlite	<p>To avoid significant adverse environmental impacts to the Panda and Koala pit lakes and to the downstream environment after closure from the deposition of fine processed kimberlite, Dominion will not deposit fine-processed kimberlite into the Panda and Koala pits unless the Wek'èezhìi Land and Water Board Land and Water Board Land and Water Board approves the use of the Panda and Koala pits. The Wek'èezhìi Land and Water Board's approval will ensure the protection of the downstream environment after closure and will consider the results of Beartooth pit fine-processed kimberlite trial. Otherwise, the fine-processed kimberlite will be deposited into an approved processed kimberlite containment area.</p> <p>Suggestion: To demonstrate the suitability of the Panda and Koala pits for fine-processed kimberlite, the Wek'èezhìi Land and Water Board should require Dominion to complete a deposition study and a freshwater cap optimization study. The deposition study should investigate how fine processed kimberlite behaves once deposited into mined-out pits and the quality of the resulting supernatant water. This should include data from the Beartooth pit trial.</p>	DDEC	<ul style="list-style-type: none"> • DDEC has prepared this information in a plan for approval (including result of the Beartooth pit FPK trial) and this was submitted to the WLWB with the Proponent's responses to review comments for the updated WL and LUP applications for the Project (see file under Proponent's comments for plan titled <i>Assessment of Pit Deposition of Processed Kimberlite at the Ekati Mine</i>). • The Water Licencing proceeding is currently ongoing.

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	4-4	Dike stability and safety	<p>To reduce the risk of dike failure and its associated significant impacts, Dominion will establish an independent dike review panel to evaluate and, if necessary, improve the design, construction, operation and maintenance of the dike. The panel will provide recommendations to the developer and the Wek'èezhìi Land and Water Board to ensure that impacts to the safety of people and the environment are minimized. The panel will, at a minimum:</p> <ul style="list-style-type: none"> • review and accepts the dike design prior to the commencement of dike construction • review the dike operation <p>Dominion will engage with the Wek'èezhìi Land and Water Board, Government of the Northwest Territories and the Independent Environmental Monitoring Agency on the panel composition and tasks. Dominion will submit the review panel's final terms of reference to the Wek'èezhìi Land and Water Board Land.</p>	DDEC	<ul style="list-style-type: none"> • DDEC has established a Dike Review Panel with the involvement of three Senior Geotechnical Engineers. • DDEC circulated the Dike Review Panel composition and Terms of Reference to the IEMA, WLWB, and the GNWT on May 31, 2016 for review and comment. • A final package of information on the Dike Review Panel was submitted to the MVEIRB on October 3, 2016. Please see the MVEIRB on-line registry for the Jay Project for this information (EA1314-01 Measure 4-4 Submission Dominion to MVEIRB 03-Oct-2016.PDF). • The next meeting of the Dike Review Panel is scheduled to occur in February 2017.
Fish and Fish Habitat	5-1	Protection of the Narrows	<p>To mitigate significant adverse ecological and traditional use impacts resulting from unacceptable drops in water levels at the Narrows, Dominion will maintain water levels at the Narrows such that the Jay Project does not adversely affect fish passage and the continuation of traditional use of the area as an open water source. It will do so by monitoring the Narrows before and during closure, and by appropriately managing activities in Lac du Sauvage during closure.</p> <p>Prior to construction, a description of this monitoring will be submitted to the WLWB for its approval as part of the Aquatic Effects Monitoring Program design plan. The monitoring results will be reported in the annual AEMP reports and incorporated into the Aquatic Response Framework, specifying minimum required water levels and flow rates, and triggers for management responses during closure activities.</p>	DDEC	<ul style="list-style-type: none"> • The AEMP has been submitted to the WLWB with the updated WL and LUP application. The next step in this process is for there to be a draft of the WL distributed for review on January 19, 2017. The Board is then accepting comments from Reviewers on the draft WL. Closing arguments follow. Please refer to the WLWB's work plan for the Jay Project Proceeding. • Monitoring results will be submitted as described.
			<p>Suggestion DFO should fully consider the unique cultural significance of the area in Lac du Sauvage that will be permanently lost due to the construction of the Jay pit in its determination of fisheries offsetting requirements</p>	Fisheries and Oceans Canada	Not applicable

Impacts to caribou	6-1	Road mitigations from caribou impacts	<p>a) In order to mitigate significant incremental and cumulative adverse impacts to caribou from roads used by the Jay Project, Dominion will:</p> <ul style="list-style-type: none"> • use convoys or other methods to manage traffic on the road in order to maximize interval between disturbances from vehicles • use real-time caribou collar satellite information and other detection systems to enable early detection of caribou in the vicinity of the road as a trigger for action levels for management responses • construct caribou crossing features along a minimum of 70 % of the length of the Jay road <p>b) In addition, Dominion will update and revise the Wildlife Effects Monitoring Plan with the appended Caribou Road Mitigation Plan according to GNWT requirements under section 95 of the Wildlife Act and any future section 95 regulations. The plan(s) required under section 95 will be in force for the duration of the Jay Project.</p> <p>In the Caribou Road Mitigation Plan, Dominion will:</p> <ul style="list-style-type: none"> • investigate and implement innovative actions to mitigate impacts to caribou from barriers to movement at the esker, such as one-way traffic, buried power lines and pipelines, and remote sensory devices to monitor caribou and reduce impacts at the esker crossing • define specific thresholds that trigger road management responses including actions to slow traffic, stop traffic and close the Jay and Misery Roads for an appropriate period if caribou are on or near these roads <ul style="list-style-type: none"> – describe the minimum size of the kimberlite stockpiles at Jay pit and Misery pit necessary to enable extended closure(s) of the Jay road – indicate how long the road management responses described above will be applied for each slow down or closure and thresholds and triggers for reopening the road • describe methods for monitoring approaching caribou at intermediate distances beyond line of sight from the roads, including at night and in poor visibility • prepare a dust management best practices document with adaptive management triggers for additional dust suppression and link to the Air Quality and Emissions Monitoring and Management Plan • use Traditional Knowledge when designing <ul style="list-style-type: none"> – the Caribou Road Mitigation Plan – the project components in the Caribou Road Mitigation Plan (including the Jay road, esker crossing and waste rock storage area) – the monitoring of caribou responses to these components during the operations phase • describe specific monitoring and mitigation for caribou impacts related to the road during the construction, operations and closure phases of the Jay Project <p>c) The Caribou Road Mitigation Plan will detail the means to be employed to avoid and minimize habitat disturbance and include a response framework that links monitoring results to changes in mitigation. When developing monitoring and mitigation, Dominion will give special consideration to the</p>	DDEC	<ul style="list-style-type: none"> • DDEC was issued an early works Land Use Permit by the WLWB in July of 2016 which included road construction (see WLWB registry under permit W2016F0007). • Since issuance of LUP W2016F0007, DDEC has reviewed the road design as it relates to caribou crossings and REA Measure 6-1. Following this review, DDEC has been able to increase the extent of the caribou crossings and these will be built along 70.9% of this stretch of road (stations JR1+100 and JR3+865) in all areas where safety berms are not required. • A Road Construction Plan was submitted to the WLWB in November 2016 as per condition 41 of LUP W2016F0007. This plan has recently been approved by the WLWB. DDEC is to include Items #1-4 in the Plan, as outlined in the Reasons for Decision, and submit Version 1.1 of the Plan for a conformity check to be conducted by Board staff prior to the commencement of construction. This is on track. Please see the information on the WLWB on line registry under LUP W2016F0007. • The WEMP and CRMP are currently with the GNWT and are undergoing final public review prior to approval. Note that the WEMP contains a table that shows where each requirement under this Measure can be found. DDEC is currently completing final revisions to these plans as a result of this process and expects that a decision on these plans will be coming in the near future. • The WEMP (and CRMP) is based on the framework and principles of adaptive management (Section 2.2). • DDEC implemented the draft CRMP on the Sable Road and at Ekati. • DDEC is committed to incorporating traditional knowledge (TK) into the Project and in particular to the design of monitoring programs. • The revised Air Quality and Emissions Monitoring and Management Plan (AQEMMP) for the Jay Project includes the commitment to prepare a best management practices document consistent with the GNWT dustfall standard when it is developed (Section 3.4.1.3). DDEC anticipates submission of the final version of the AQEMMP to the GNWT for approval on January 20, 2017. • The WEMP and CRMP along with the AQEMMP will be completed and approved by ENR before the start of construction.
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			<p>esker crossing and specify contingency measures if caribou do not cross the Jay Road at the esker.</p> <p>d) Dominion will submit the Caribou Road Mitigation Plan to the GNWT ENR for approval before constructing the Jay Road. As part of this approval process, the GNWT should provide the opportunity for public comment. Dominion will annually report monitoring results, success or failure of mitigation and adaptive management to communities in person, in a culturally appropriate manner.</p> <p>Suggestion To allow for mitigation of potential barrier effects from the Jay Project, Dominion should conduct pilot studies into technologies and approaches to detect caribou before they perceive sensory disturbances from the Jay Project (such as un-manned aerial vehicles, large animal detection systems, remote video cameras or on-the-land monitors).</p>		

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	6-2(a)	Caribou offset and mitigation plan	<p>i. Dominion will offset residual adverse impacts to caribou by human activities that cumulatively affect the Bathurst caribou herd, beyond direct impacts of the Jay Project. Dominion will set out these offsets in a Caribou Offset and Mitigation Plan, which it will complete within one year of Minister's acceptance of this Report of EA. This plan will be in force throughout the duration of the Jay Project.</p> <p>ii. Dominion will implement the Caribou Offset and Mitigation Plan as described in DAR-MVEIRB-UT2-06 and incorporate the following into the Plan:</p> <ul style="list-style-type: none"> • caribou offsets related to roads that result in enhanced mitigation, such as scheduling of activities during caribou migration or dust suppression offsite from Jay Project • zone of influence research with funding as committed by Dominion • identify mitigation actions from the Plan and apply at other Ekati operations • options for the scheduling of other Ekati operations to offset Jay Project impacts during caribou migration periods • an enhanced dust mitigation study including: <ul style="list-style-type: none"> – a pilot test on application of dust suppressant – a dustfall sampling program – report on results and propose improvements to be incorporated into the Air Quality Emission Monitoring and Management Plan – if dust mitigation improvements are identified, Dominion will apply them on all roads at Ekati • accelerate progressive reclamation of Long Lake Containment Facility substantially beyond current Interim Closure and Reclamation Plan requirements to return it to productive caribou habitat sooner • incorporate waste rock storage area egress ramps, designed in consultation with Elders to prevent injuries and entrapment of caribou <p>iii Following implementation of the Caribou Offset and Mitigation Plan, Dominion will:</p> <ul style="list-style-type: none"> • annually report on the effectiveness of monitoring, mitigation and adaptive management of the Caribou Offset and Mitigation Plan to communities in person in a culturally appropriate manner • annually report on the activities conducted under the Caribou Offset and Mitigation Plan and the effectiveness of related monitoring, mitigation and adaptive management, to GNWT ENR, WRRB and IEMA • submit an updated Caribou Offset and Mitigation Plan for approval by GNWT ENR every three years. Prior to approval, the GNWT should provide the opportunity for public comment. 	DDEC	<ul style="list-style-type: none"> • DDEC provided a first draft of the Caribou Mitigation Plan (CMP; DAR-MVEIRB-UT2-06) during the EA review process and held a follow-up CMP workshop on October 1, 2015 and a follow-up conference call on October 16, 2015. • The CMP will consist of the following: <ul style="list-style-type: none"> – Direct Project mitigation; – Financial support for research to inform future actions on the zone of influence and management of the Bathurst caribou herd; – Offsetting any small residual effects from the Project through enhanced mitigation such as the CRMP, which would be applied to the Ekati mine; and, – Enhanced studies on dust suppression through the AQEMMP (Section 3.4.1.3). • In the CMP, DDEC also proposed to complete the progressive reclamation of the Long Lake Containment Facility (LLCF) at an accelerated rate <ul style="list-style-type: none"> – discussed in Section 1.2 and 5.3.1.1 of the Conceptual Closure and Reclamation Plan. • The CMP is based on the framework and principles of adaptive management and will use the results from research and monitoring of mitigation effectiveness to provide feedback into Ekati mine operations. • DDEC committed to purchasing caribou collars and this has been completed and have started to support TK projects. • As per DAR-MVEIRB-UT2-06, DDEC is preparing a CMP, and is on track to submit this within one year of Minister's acceptance of the REA (i.e. May 2017).
			iv. The GNWT will enforce the Caribou Offset and Mitigation Plan under the section 95 of the Wildlife Act.	Government of the Northwest Territories	Not applicable

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	6-2(b)	Research to design implement successful offsetting projects	The GNWT will measure and evaluate the effectiveness of Dominion's offsets that result from the approved Caribou Offset and Mitigation Plan. To better enable the GNWT to do this, it will conduct a study on the potential methods for evaluating and measuring the effectiveness of offsetting options described in the approved Caribou Offset and Mitigation Plan. The GNWT will publically report on the results of the study within one year of the approval of the Caribou Offset and Mitigation Plan.	Government of the Northwest Territories	Not applicable
	6-3	Air Quality Emissions Monitoring and Management Plan	In order to reduce adverse impacts from dustfall within the Jay Project area to caribou, so they are no longer significant, Dominion will finalize and implement the Air Quality Emissions Monitoring and Management Plan prior to construction. This plan will be applied throughout the construction, operation and closure phases of the Project. Dominion will: <ul style="list-style-type: none"> • describe how it will implement commitments made in this plan (PR#424 p1-5 to 1-6) along with management response linkages to the Caribou Road Mitigation Plan and the Caribou Offset and Mitigation Plan. • reduce dustfall by continuing and improving the following management and monitoring practices, including: <ul style="list-style-type: none"> – applying dust suppressant to control dust emissions on haul roads during summer or non-frozen snow-free season – managing vehicle speed to limit road dust from vehicle wheel entrainment – implementing a dustfall monitoring program, methods, locations, monitoring parameters – sampling lichen tissues (heavy metal parameters) snow chemistry sampling – planning responses with triggers and action levels – allowing opportunity for public comment on updates or changes to the Air Quality Emissions Monitoring and Management Plan • annually report monitoring results, success or failure of dust mitigations and adaptive management to communities in person in a culturally appropriate manner • submit an updated Air Quality Emissions Monitoring and Management Plan for public review and approval process as required by the GNWT In addition, the GNWT will review and approve the Air Quality Emissions Monitoring and Management Plan as required by the Environmental Protection Act.	DDEC	<ul style="list-style-type: none"> • Funding from the CMP is allocated for a special study on determining the effectiveness of dust suppressants along the Misery Road (Section 3.4.1.3 of the AQEMMP). The results will be provided in the AQEMMP, which will include other studies on the rate and spatial extent of dust deposition, and potential triggers for adaptive management. • The revised AQEMMP also includes a discussion on the application of dust suppressants and a commitment to prepare a best management practices document consistent with the GNWT dustfall standard when it is developed (Section 3.4.1.3). • Information from the AQEMMP will also be used to help assess the potential drivers of detected changes in the zone of influence on caribou distribution and behaviour (WEMP; Sections 5.8.5 and 5.8.6). • Revisions made in the AQEMMP include an annual data report. • There is a renewed commitment to ongoing engagement in the AQEMMP (Section 7). • The current version of the AQEMMP includes methodology for calculating greenhouse gas (GHG) emissions (Section 3.2.1 7). • A technical workshop on the AQEMMP was held in Yellowknife on September 14, 2016. • A final draft of the Jay AQEMMP, with comments from the May 31, 2016 version and as discussed at the September 2016 technical workshop, has been completed and circulated to the Parties of the EA for comment on December 13, 2016. Comments were requested to be submitted to DDEC prior to January 10, 2017. Comments were received on this version of the plan and these are being integrated and addressed. • DDEC anticipates submission of the final version of the AQEMMP to the GNWT for approval on January 20, 2017.
	6-4	Dustfall standards	Prior to construction, the GNWT will develop an interim dustfall objective for all types of dustfall that impact caribou and caribou habitat, including impacts on lichen and other caribou forage within the Jay Project zone of influence. The objective will reduce dust-related sensory disturbances to caribou to the greatest extent practicable. Dominion will use the interim dustfall objective to inform its actions to reduce impacts to caribou and caribou habitat from dustfall.	Government of the Northwest Territories	Not applicable

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	6-5	Traditional Knowledge based caribou monitoring and mitigation	<p>Dominion will:</p> <ul style="list-style-type: none"> • develop and implement a collaborative research program incorporating Traditional Knowledge designed to identify the causes of the zone of influence for caribou avoidance within one year of acceptance of the Report of EA • summarize and report annually on this collaborative research program as part of the Wildlife Effects Monitoring Program reporting • implement the research findings which can help to reduce the size of the zone of influence on caribou • Dominion will fund a Traditional Knowledge Elders group drawn from Aboriginal organizations that participated in the EA. This group will: • advise on the construction and operation of the Jay road, esker crossing and waste rock management area egress ramps that limit impacts to caribou <ul style="list-style-type: none"> – monitor caribou reactions to the Jay road use, esker crossing and waste rock storage area egress ramps in coordination with existing caribou management authorities – report on the results of monitoring to Dominion, IEMA, regulators and Aboriginal organizations that participated in the EA – recommend mitigation based on monitoring results – recommend a contingency plan for the esker crossing if monitoring indicates that the road through the esker is a major barrier to caribou movement <p>This Traditional Knowledge group will be in place prior to construction, throughout operations and closure.</p>	DDEC	<ul style="list-style-type: none"> • As part of the CMP, DDEC has committed to develop a Caribou Monitoring Strategy/Plan that will be supported by at least \$100,000 (either direct financial and/or in-kind support) annually from the start of construction of the Jay Project until the end of operations. The expectation is that part of this funding would go towards TK-based research. • DDEC has committed to \$1,050,000 in financial offsetting to support the implementation of technically advanced caribou collars, and research in determining the drivers of the zone of influence and factors responsible for the decline of the Bathurst herd. It is expected that Aboriginal communities and TK Holders would be involved in guiding the research and follow-up for these projects. • Communities will have the opportunity to participate in mitigation and monitoring study designs and programs for the Jay Road, esker crossing, WRSA, and other Ekati mine roads, and provide feedback on the results. • Once the Jay Road is constructed, the effectiveness of the caribou crossings will be monitored during community visits to the Ekati mine as part of adaptive management. Monitoring of the interactions between the Jay Road and caribou by communities may also be conducted through the research funding provided in the CMP. Results from the community monitoring programs and changes resulting from adaptive management, if required, would be provided in the Ekati mine annual WEMP report. • Measure 6-5 includes the development of a Traditional Knowledge Elder's Group. Since the WL submission, DDEC has held the first meeting on the TKEG. The group discussed the Terms of Reference and provided feedback. The items for discussion in the next meeting were set, with topics including Jay road design and construction, caribou crossing and caribou monitoring. Follow-up to the meeting included meeting notes, and summary report and poster. • DDEC reviewed the caribou crossing and design with the TKEG at the second meeting which was held at the Ekati mine in October 2016. As part of the agenda for this meeting of TKEG, there was discussion on these components and new maps were developed and posted to show the TKEG what the road looks like with caribou crossings, and where those caribou crossings will be. • The next meeting of the TKEG is scheduled for January 23-34, 2017 and the information on caribou crossing and design will be reviewed.

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	6-6	Timely completion of caribou management plans	<p>To mitigate cumulative significant impacts from the Jay Project and other human activities on the Bathurst caribou herd, within one year of Ministerial approval of this Report of EA, the GNWT will:</p> <ul style="list-style-type: none"> investigate and report on the causes for the current population change complete and implement an interim management plan for the Bathurst caribou herd implement an interim herd recovery strategy towards a sustainable and ongoing Aboriginal harvest <p>Suggestion GNWT should work towards producing interim thresholds for developments and other human activities within the range of the Bathurst caribou herd.</p>	Government of the Northwest Territories	Not applicable
Cultural aspects and traditional knowledge	7-1	Traditional knowledge management framework	<p>In order to mitigate the Jay Project's cultural impacts to traditional use areas or culturally valued components like caribou, water or aquatic life, Dominion will develop a Traditional Knowledge Management Framework that describes protocols for collecting, storing, managing and using Traditional Knowledge. This will be done in a manner that is culturally suitable for each community. Dominion will use the Traditional Knowledge gathered through the framework to inform Project decision making. This framework will be developed prior to the construction phase of the Project and will apply for the lifetime of the Jay Project (construction, operations and closure phases).</p> <p>In developing the Traditional Knowledge Management Framework, Dominion will consult with each Aboriginal group affected by the Jay Project, in a culturally appropriate manner, while developing the protocols. Dominion will report annually on how Traditional Knowledge influenced Jay Project decision making.</p> <p>Suggestion To ensure that Traditional Knowledge is consistently being used in a manner that is agreeable to Aboriginal groups, each Aboriginal group affected by the Jay Project should develop a standard Traditional Knowledge Use Protocol. This protocol would inform how Traditional Knowledge is captured, managed, reported on and used. This protocol would facilitate Dominion's effort in establishing a Traditional Knowledge Management Framework that is meaningful to Aboriginal groups. Aboriginal groups should work with Dominion to establish what Traditional values should be monitored for Jay Project impacts, and how monitoring should occur.</p>	DDEC	<ul style="list-style-type: none"> DDEC has requested from Aboriginal groups information and guidance on Traditional Knowledge Frameworks that may already be in place. DDEC has received a few pieces of information and is reviewing these to help inform an outline of a Framework. DDEC also reviewed the collected information and the framework outline with the TKEG at the second meeting of the TKEG held at the Ekati mine October 11-13, 2016 but ran out of time to complete this agenda item. Discussions are planned to continue at the TKEG meeting that is to be held on January 23-24, 2017. Development of this Framework is on track to occur prior to the construction phase of the Project.

Discipline	Measure Number	Subject	Description	Party Responsible	Status (as of January 17, 2017)
	7-2	On-the-land cultural camp	<p>In order to mitigate significant adverse impacts of the Jay Project on traditional use of the area and transmission of cultural values, Dominion will, during the construction and operations phases of the mine, support an on-the-land culture camp, in a traditionally used area near the Project. This culture camp will be used by Aboriginal groups to maintain or establish a connection with disturbed areas of land and restore Traditional Knowledge transfer between generations about the area affected by diamond mining.</p> <p>Dominion will consult with Aboriginal groups that participated in the environmental assessment to decide on the location, timing and frequency of use of the culture camp. Dominion will support the camp's use and access, financially or in-kind.</p>	DDEC	<ul style="list-style-type: none"> • DDEC has been engaging Aboriginal land users, Elders, and community members on the location, timing, and frequency of an on-the-land camp. • Results of this engagement are planned to be presented to the TKEG for a recommendation at the next meeting of this group to be held in January 2017.
Maximizing benefits and minimizing impacts to communities	8-1	Minimize negative socio-economic impacts of the Project on communities	<p>In order to mitigate significant cumulative adverse socio-economic impacts of the Jay Project on health and well-being, the Government of the Northwest Territories will engage and work with diamond mining communities to adaptively manage adverse social impacts to health and well-being from the Jay Project, in combination with other diamond mining projects. As part of this process, the GNWT will actively investigate and address linkages of diamond mining effects on the health and well-being of affected communities. The GNWT will also meet with communities within one year of the Ministerial approval of this Report of EA, and annually thereafter, to discuss:</p> <ol style="list-style-type: none"> 1. priority social issues at the individual, family and community level related to diamond mining, as identified by communities and by the GNWT 2. the effectiveness of GNWT programs to address these identified issues, and 3. implementing improvements to mitigate identified issues. <p>The GNWT will submit an annual progress report on the above to each diamond mining community, describing GNWT's engagement on and adaptive management of social impacts, and GNWT's plans to address identified issues.</p> <p>Suggestion: The GNWT should work with diamond mining communities to develop socio-economic baseline studies. The GNWT, working with communities, should:</p> <ul style="list-style-type: none"> • assess the vulnerability of each community with a corresponding assessment of the community's resilience to socio-economic impacts, and capacity to adapt to them; • assess the existing cumulative impacts on well-being at multiple scales (including individual, family and community levels); • produce a definition of well-being and describe how it is measured and, • establish qualitative and quantitative indicators of well-being appropriate for a socio- economic assessment. <p>The focus of the study should be to establish threshold levels of acceptable social impacts, and evaluate how close each social impact indicator is to a threshold level.</p>	Government of the Northwest Territories	Not applicable

Discipline	Measure Number	Subject	Description	Party Responsible	Status (as of January 17, 2017)
	8-2	Supporting increased employment opportunities for women	<p>To mitigate significant adverse socio-economic impacts on women, Dominion will consult with the Government of the Northwest Territories, the Status of Women Council of the NWT and the Native Women's Association of the NWT to update its strategy for the training, recruitment and employment of women in traditional and non-traditional occupations, prior to the construction phase of the Jay Project. Where Dominion has community liaisons, they will serve as additional resources for implementing initiatives for training, recruitment and employment of women.</p> <p>Dominion will report on employment and retention figures for women, and on the effectiveness of its revised policy, as part of its reporting per measure 13-1.</p>	DDEC	<ul style="list-style-type: none"> • DDEC has engaged the GNWT, the Status of Women Council of the NWT, and the Native Women's Association of the NWT on current policies and strategies for the training, recruitment, and employment of women. DDEC held a workshop with the parties listed above, the Mine Training Society, and representatives from the Aboriginal groups on June 3, 2016. • Notes from this meeting are being compiled and will be posted to the MVIRB registry prior to the start of construction. • Action items from the meeting are ongoing. • Employment and retention figures for women and the effectiveness of the revised policy will be reported as described in the annual reporting required by Measure 13-3.

Discipline	Measure Number	Subject	Description	Party Responsible	Status (as of January 17, 2017)
Air Quality	9-1	Incineration – Stack Testing and Reporting	<p>To reduce the likelihood of impacts resulting from the release of dioxins and furans, Dominion will conduct incinerator stack testing at least every three years and submit any stack test results to the GNWT Department of Environment and Natural Resources and Environment Canada no more than 90 days after the completion of stack testing. No more than 120 days after any failed stack test, (with failure determined according to the Canada Wide Standards for Dioxins and Furans or applicable regulation or guidance developed by the GNWT), Dominion will:</p> <ol style="list-style-type: none"> 1. Develop an Adaptive Management Response Plan, containing: <ol style="list-style-type: none"> a) An assessment of the incinerator operations and management that contributed to the failed stack test, and methods to rectify them. b) A consideration of the need for increased monitoring of incinerator operational indicators associated with the formation of dioxins and furans. This may include inline continuous emission monitoring for, but not limited to: flow of flue gas, oxygen content, and carbon monoxide. 2. Submit the Adaptive Management Response Plan to the GNWT Department of Environment and Natural Resources and Environment Canada. 3. Implement the methods identified by Dominion (under 1a above) no later than the submission of the Response Plan, and earlier if feasible. <p>Dominion will re-stack test the incinerators within six months of the initial failed stack test. This second stack test will verify the effectiveness of the methods proposed and implemented in the Adaptive Management Response Plan and demonstrate compliance with the Canada-wide Standards for Dioxins and Furans. 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.</p> <p>Exemptions for the second stack test may occur based on a review of the factors that contributed to the failed stack text and approval of the Adaptive Management Response plan by GNWT Department of Environment and Natural Resources, in consultation with Environment Canada.</p> <p>Suggestion: Inline continuous emission monitoring</p> <p>The Review Board suggests that the developer, in consultation with the GNWT and EC, assess the feasibility and utility of additional inline continuous emission monitoring and provide a report of the findings within one year of Ministerial approval of this Report of EA.</p>	DDEC	<ul style="list-style-type: none"> • DDEC confirmed commitments for stack testing in a hearing undertaking (DAR-MVEIRB-UT2-05); these are also reiterated in Section 3.2.1.1 of the AQEMMP. • DDEC completed stack testing on the 2 Ekati mine incinerators in November 2016. • DDEC will submit incinerator stack test results to GNWT Environment and Natural Resources (ENR) and Environment and Climate Change Canada (ECCC) on or about the middle of February 2017.

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	9-2	Reporting on greenhouse gas emission and management	<p>Dominion will provide, in its Air Quality Emissions Monitoring and Management Plan annual report, information on its greenhouse gas management for all Project phases including, but not limited to:</p> <ul style="list-style-type: none"> • A calculation of greenhouse gas emissions by combustion source; • greenhouse gas emissions reduction targets for the upcoming year and how they were determined; • reporting of whether past reduction targets were achieved and how, or if they were not, why; • a description of monitoring including the parameters, methods, frequency, and data analysis; • a description of adaptive policies, strategies and mitigative actions undertaken, or proposed, to reduce greenhouse gas emissions, including but not limited to: <ul style="list-style-type: none"> – the results of Dominion’s proposed ore hauling pilot study, including a description of greenhouse gas emissions for each alternative hauling method studied compared to existing and/or proposed strategies; – the results of Dominion’s proposed concept study on the use of alternative energies to offset a portion of the Jay Project’s energy needs, including the methods and analysis; and, – if the concept study leads to a feasibility study on the use of alternative energy to offset a portion of the Jay Project’s energy needs, report on the results, including the methods and analysis. <p>During its community visits, Dominion will engage on its greenhouse gas emissions management, and report on how results of past engagement have been incorporated into Dominion’s management of greenhouse gas emissions.</p>	DDEC	<ul style="list-style-type: none"> • The current version of the AQEMMP includes methodology for calculating greenhouse gas (GHG) emissions (Section 3.2.1 7). • A technical workshop on the AQEMMP was held in Yellowknife on September 14, 2016. • A final draft of the Jay AQEMMP, with comments from the May 31, 2016 version and as discussed at the September technical workshop, has been completed and was circulated to the Parties of the EA for comment on December 13, 2016. Comments were requested to be submitted to DDEC prior to January 10, 2017. Comments were received on this version of the plan and these are currently being integrated and addressed. • DDEC anticipates submission of the final version of the AQEMMP to the GNWT for approval on January 20, 2017. • DDEC sets targets for GHG emissions annually for the Ekati mine. Projects to reduce GHG and to further optimize the use of energy at Ekati are tracked by the Greenhouse Gas and Energy Management Steering Committee which reports performance in the annual report. • Engagement on greenhouse gas emissions during community visits is ongoing. • As per Developer’s Commitment #52, DDEC is conducting a concept study of additional potential investments in alternative energy including areas such as wind and solar energy. A summary of results will be made publicly available within one year of the MVEIRB’s REA (i.e. February 1, 2017).
EA measures follow-up	13-1	Monitoring and Adaptive Management by Dominion	<p>In order to ensure that the measures that Dominion is responsible for are fully and effectively implemented, and significant adverse impacts on the environment are mitigated, throughout all phases of the development, Dominion will:</p> <ol style="list-style-type: none"> 1. Implement monitoring programs to fulfill the following objectives: <ol style="list-style-type: none"> a) to measure the effects of the Jay Project on the environment; b) to assess the implementation and effectiveness of the measures in this Report of EA to prevent or minimize impacts on the environment; c) to assess the accuracy of predictions made during the environmental assessment, regarding the impacts of the project on the environment; and, d) to provide relevant data and information to support regional monitoring initiatives. 2. Implement adaptive management processes that use the results of monitoring programs to systematically adjust mitigation actions in order to minimize adverse impacts on the environment. 	Dominion Diamond	<ul style="list-style-type: none"> • Monitoring and adaptive management is covered under multiple plans for the Jay Project and the Ekati mine. The various management plans have been submitted to the relevant regulatory authorities and have undergone a public review processes and were discussed at the WLWB Technical Sessions held in October 2016 and the Public Hearing in December of 2016. Additionally, there were workshops held on the AQEMMP and WEMP in September of 2016. These plans include the following: <ul style="list-style-type: none"> – Jay Project Mine Water Management Plan for Permitting (Sections 8.2 and 8.3, Appendix K) – AEMP Design Plan for the Jay Project – Construction Phase, which includes suggested additions to the Ekati mine Aquatic Response Framework for the Jay Project (Section 9, Appendix I) – WEMP (Section 2.2) – CRMP (Section 5) – AQEMMP for the Jay Project (Section 4) – Waste Rock and Ore Storage Management Plan (WROMP; Section 7.7, Appendix O) • This measure will be ongoing throughout the life of the Project.

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	13-2	Engagement on cultural impacts	In order to evaluate and, through adaptive management, improve the effectiveness of Dominion's mitigation of cultural impacts, Dominion will: <ol style="list-style-type: none"> a) engage with Aboriginal groups that participated in the environmental assessment to identify cultural impacts, including cumulative impacts, from the Jay Project; b) seek the input of those Aboriginal groups on ways to strengthen Dominion's cultural impact mitigation initiatives; and c) report annually to those Aboriginal groups on the effectiveness of Dominion's efforts to mitigate cultural impacts. 	Dominion Diamond	<ul style="list-style-type: none"> • As described in the Ekati mine Engagement Plan, Dominion Diamond is committed to engaging with potentially affected communities, government, regulators, and stakeholders in an open, timely, and comprehensive manner • Dominion Diamond submitted version 3.0 of the Ekati mine Engagement Plan (the Plan) on May 13, 2016 to the WLWB. The Board approved Version 3.0 of the Plan with additional direction to incorporate and address items as indicated in the Reasons for Decision document. Version 3.0 of the Plan and the Reasons for Decision can be found on the WLWB online registry under the current Water Licence number W2012L2-0001 (Ekati Mine Engagement Plan V3.0-May 2016.pdf and Board Directive and Reasons for Decision-Oct 11_16.pdf). • Dominion Diamond regularly and routinely undertakes community engagement activities as part of its management of the Ekati mine, including: <ul style="list-style-type: none"> – formal Impact Benefit Agreement (IBA) meetings with leaders from each of the Ekati mine IBA groups; – workshops on specific issues; and, – site-based activities wherein leaders, Elders, and youth are invited to visit the Ekati mine for site visits, or to take part in the environmental monitoring programs. • DDEC is currently conducting engagement on the Jay Project throughout January and February 2017. • This measure will be ongoing throughout the life of the Project.

Discipline	Measure Number	Subject	Description	Party Responsible	Status (as of January 17, 2017)
	13-3	Annual reporting from Dominion	<p>In order to demonstrate how measures are being implemented and to evaluate the effectiveness of Dominion's efforts to prevent or minimize impacts on the environment, Dominion will, throughout all phases of the development, prepare an annual Report on Implementation of Measures. The Report will address the EA measures that Dominion is responsible for and will:</p> <ul style="list-style-type: none"> a) describe the actions, including actions implemented through adaptive management, being undertaken to implement the EA measures; b) demonstrate how the implementation actions, including any actions implemented through adaptive management, fulfill the intent of the EA measures, including consideration of the following questions: <ul style="list-style-type: none"> i. How are implementation actions addressing a likely significant adverse impact on the environment? ii. How effective are implementation actions at reducing, controlling, or eliminating the impact or its likelihood? iii. If the measure is for monitoring or research, how is the monitoring/research being used to inform mitigation of impacts to the environment? iv. How are process considerations (such as engagement requirements, etc.) being considered, and, if applicable, how are they affecting implementation of the EA measures? c) include a concise summary of monitoring programs and results that are related to EA measures or commitments and, where applicable, references to complete information contained in other documents (such as documents related to aquatic effects, wildlife, or air quality programs); and d) address any specific reporting requirements noted in the EA measures set out in this report and summarized in Appendix A. <p>Dominion will provide a copy of this annual report to the Review Board prior to July 1 of each year.</p>	DDEC	<ul style="list-style-type: none"> • DDEC provided a summary of activities related to the Measures found within the REA between May 19, 2016 and June 30, 2016. This is available on the MVEIRB's online public registry at http://www.reviewboard.ca/upload/project_document/EA1314-01_Measure_13-3_Annual_Reporting-30-June-2016.PDF • DDEC will provide an annual Report on Implementation of Measures to the MVEIRB by July 1 of each year, which will include a summary of adaptive management and the results of other applicable monitoring or management plans (e.g., AQEMMP, WEMP, CRMP, AEMP) as required by this Measure. • The work to assemble this information for Measure 13-3 is underway, will be ongoing, and is on track to be submitted to the Review Board prior to July 1, 2017.

Discipline	Measure Number	Subject	Description	Party Responsible	Status (as of January 17, 2017)
	13-4	Annual reporting from Regulatory Authorities	<p>In order to evaluate the effectiveness of mitigation measures for the protection of the environment, each regulatory authority that is wholly or partly responsible for implementation of any measure in this Report of EA will submit an annual Report on Implementation of Jay Project Measures. The Report will:</p> <ul style="list-style-type: none"> a) describe the actions being undertaken to implement the EA measures or the part(s) of the EA measure for which the regulatory authority is responsible; and b) explain how the implementation actions, including any actions implemented through adaptive management, fulfill the intent of the EA measures, including consideration of the following questions: <ul style="list-style-type: none"> i. How are implementation actions addressing a likely significant adverse impact on the environment? ii. How effective are implementation actions at reducing, controlling, or eliminating the impact or its likelihood? iii. If the measure is for monitoring or research, are the implementation actions clearly linked to mitigation and/or operations? iv. How are process considerations (such as consultation or engagement requirements, statutory obligations, etc.) being considered, and, if applicable, how are they affecting implementation of the EA measures? <p>Prior to July 1 each year, during all phases of the Jay Project to which a particular measure applies, each regulatory authority will provide a copy of this annual report to the Review Board.</p>	Regulatory agencies	Not applicable