

September 24, 2021

Mackenzie Valley Environmental Impact Review Board
200 Scotia Centre
Box 938, 5102-50th Ave
Yellowknife, NT X1A 2N7

Attention: JoAnne Deneron, Chair

Dear Ms. Deneron:

RE: Mackenzie Valley Resource Management Act (MVRMA) s.126(3) Decision – Point Lake Project – Response to request for further information

We write in response to the September 6, 2021 letter from the Mackenzie Valley Environmental Impact Review Board (Review Board) regarding the Point Lake Project proposed by Arctic Canadian Diamond Company (Arctic).

The Ekati Diamond Mine is at a critical juncture. Timely implementation of the Point Lake Project is an essential step in ensuring a sustained flow of benefits from the Ekati Diamond Mine to all parties. We appreciate the opportunity to provide the Review Board with further information to aid its decision under s. 126(3) of the MVRMA.

We have structured the remainder of this letter under the same subheadings as your letter.

Outstanding Procedural Issues Identified in the Preliminary Screening Decision

In its August 24, 2021 preliminary screening determination, the Wek'èezhii Land and Water Board (Water Board) determined that the Point Lake Project will not have significant adverse impacts on the environment or be a cause of public concern. The Water Board made that determination on various grounds, including a clear commitment by Arctic that it had cancelled the Jay Project and would not proceed without regulatory assessment.

The Review Board noted in its letter that the MVRMA contains no amendment process relating to measures that have been granted ministerial approval pursuant to s. 130 of the MVRMA, short of a new ministerial decision.

It is Arctic's respectful view that those measures which related solely to the Jay Project are no longer relevant, given Arctic's commitment not to proceed with the Jay Project in the absence of further

consideration. That commitment was fundamental to the Water Board's preliminary screening determination and addressed the majority of the concerns expressed during the Water Board's process. We are happy to have that commitment enshrined in the relevant regulatory approvals.

To that end, nothing in the MVRMA prevents the addition of a new condition in the water licence, to the effect that the Jay Project cannot proceed without further consideration by all relevant authorities. Such a condition would be appropriate given that the Jay Project was assessed in the absence of the Point Lake Project; and the Point Lake Project has been endorsed by the Water Board largely on the basis that the Jay Project will not proceed. To the extent that Arctic (or any subsequent holder of the water licence) seeks to re-activate the Jay Project in future, the relevant measures would need to be reassessed at that time along with the conditions then existing, including the work done at the Ekati Diamond Mine in the meantime. This approach is consistent with the territorial *Waters Act* and sections 115 and 130 of the MVRMA.

Additionally, in support of the current development plan (*i.e.*, Point Lake Project in the absence of Jay Project), and as further demonstration of its commitment to cancellation of the Jay Project, Arctic has applied for a new Land Use Permit that will negate the need for the existing Jay Development Land Use Permit.

Jay Project Measures and their application to the Point Lake Project

Substantive work has been conducted on many of the Jay Project Measures to the extent that the development of required plans is complete and on-going implementation on a site-wide basis is regulated by other parties such as the Water Board or GNWT. An illustrative example is the Caribou Road Mitigation Plan that, in combination with the Wildlife Effects Monitoring Plan, has been approved by the GNWT as satisfying the requirements for a Wildlife Monitoring and Management Plan under the *Wildlife Act* and is now actively regulated by the GNWT. Arctic sees no requirement for continued reporting to or tracking by the Review Board for these Measures.

Some of the Jay EA Measures have not been fully implemented because the Jay Project was not constructed. Arctic has been clear and consistent in its commitment to carry forward some of these Measures as adapted to the current development plan (*i.e.*, Point Lake Project in the absence of Jay Project). Future implementation of this work will be solely for the purpose of the Point Lake Project under appropriate authorizations or protocols and, as such, Arctic sees no requirement for continued reporting to or tracking by the Review Board for these Measures.

Table 1 appended to this letter provides Arctic's summary of which Jay Project Measures have been implemented and are in effect at the Ekati Diamond Mine, or which Arctic has committed to implement as adapted to the current development plan (*i.e.*, Point Lake Project in the absence of Jay Project).

Early-works Permit

We respect that the Review Board is still in the process of making its MVRMA s. 126(3) determination for the Point Lake Project. Regarding Arctic's early-works permit application, we emphasize that the proposed road is a short (500-metre) spur road with a low profile that is oriented in alignment with the general direction of seasonal caribou movement. This short road segment is not expected to impact caribou movement and has not been specifically identified as a concern to date. Timely construction of the access road this fall is a critical path activity for the Point Lake Project because the road enables dewatering and fish-out activities to commence without delay in spring 2022 (based on receipt of necessary authorizations). Delays to permitting and construction of the access road will impact the overall project development. Winter construction of the road is not desirable because winter work is operationally challenging and can result in additional ground disturbance. This road can be constructed in approximately three weeks this fall, before winter sets in, and Arctic is ready and keen to do so.

The guidelines issued pursuant to MVRMA ss. 106 and 120 indicate that if a project is not designated within 10 days of the Water Board's preliminary screening determination, regulatory authorizations can and will be issued, consistent with MVRMA ss. 125(1.1).¹ It is Arctic's view that the Water Board can and should proceed with issuance of the early-works permit without delay.

For these reasons, we request that the Review Board reconsider its request to the Water Board to refrain from issuing the early-works permit pending the Review Board's s. 126(3) determination.

Please do not hesitate to contact me should you have any further questions or comments.

Yours truly,



Sheila Chernys
Head, Health, Safety, Security, Environment & Communities
Arctic Canadian Diamond Company Ltd.

Encl. (Table 1)

Cc. Lorraine Seale - Director, Securities and Project Assessment GNWT - Department of Lands
Joseph Mackenzie – Chair, Wek'èezhìi Land and Water Board
Kim Pawley – Manager, Environmental Assessment, Land Use Planning and Conservation,
Crown-Indigenous Relations and Northern Affairs Canada.
Tammy Steinwand – Director, Culture and Lands Protection - Tłı̨chǫ Government

¹ See the Review Board's *Draft Guidelines for Preliminary Screeners* (January 2021) at page 39, and [LWB Guide to the Land Use Permitting Process](#) (August 30, 2021) at page 28.

Table 1. Review of Jay EA Measures

Measure	Linkage to Point Lake Project	Implementation Notes	Supporting Information
<p>4-1 Closure Objectives (WLWB)</p> <p>To prevent significant cultural impacts after closure from changes in water quality, the Wek'èezhii 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 	<p>Directed at Others</p>	<p>Arctic notes that closure objectives and criteria will not be required for the Jay pit and Jay Waste Rock Storage Area.</p>	<ul style="list-style-type: none"> • Updated closure objectives were approved by the WLWB in 2021 including objective SW-9: "Traditional Knowledge and community expectations for future human and wildlife land and water use have been considered and incorporated in closure planning". These objectives are now regulatory requirements for all components of the Ekati Diamond Mine to which Arctic is committed. • The WLWB's 2020 approval of the Interim Closure and Reclamation Plan Version 3.0 included requirements for finalization of all closure criteria. These objectives, when approved, will become regulatory requirements to which Arctic is committed.
<p>4-2(a): Site Water Management Plan</p> <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'èezhii 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</p>	<p>Adapted and Carried Forward through WLWB licencing</p>	<p>Site water management plans for the Point Lake Project that avoid significant impacts to traditional use in the vicinity of the Project after mining and closure have been completed and submitted to the WLWB for approval as part of the</p>	<ul style="list-style-type: none"> ▪ Part F of the Ekati Diamond Mine Water Licence requires that a Project-specific Dewatering Plan be submitted to the WLWB for approval prior to commencement of dewatering, and Arctic has submitted a Point Lake Dewatering

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<p>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: <ul 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 	<p>process (underway)</p>	<p>requested Water Licence Amendment. Those Plans include:</p> <ul style="list-style-type: none"> • Directing lake water containing elevated sediment to a secure settlement facility during initial lake dewatering. • Collection of waste rock seepage and open pit mine water to an established mine water management facility. • Monitoring, data evaluation and reporting. • Contingency. <p>Arctic has submitted a Point Lake Dewatering Plan to the WLWB for approval as part of the Water Licence Amendment.</p> <p>Arctic has proposed to the WLWB to document those plans and other requirements of the Water Licence Amendment into an update of the existing Wastewater and Processed Kimberlite Management Plan that will be submitted to the WLWB prior to the commencement of open pit mining.</p>	<p>Plan for WLWB approval with the Water Licence Amendment.</p> <ul style="list-style-type: none"> ▪ Part H of the Ekati Diamond Mine Water Licence requires that an updated WPKMP be submitted to the WLWB for approval at various times, and Arctic has committed to submitting a Point Lake Project update prior to the commencement of open pit mining. ▪ The Water Licence defines Effluent Quality Criteria that must be achieved prior to Discharge and that apply to the Point Lake Project without need for update. ▪ An Aquatic Effects Monitoring Plan and Aquatic Response Framework are in place as requirements under the Water Licence that apply to the Point Lake Project without need for update. ▪ The Ekati Diamond Mine operates in compliance with and with appropriate approvals from ECCC under the <i>Metal and Diamond Mining Effluent Regulations</i> and Arctic will operate the Point Lake Project in compliance and will seek any additional approvals from ECCC that may be required.

Measure	Linkage to Point Lake Project	Implementation Notes	Supporting Information
<p>4-2(b): Pit Lake Water Quality</p> <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'èezhii Land and Water Board for approval prior to the implementation of any contingency.</p>	<p>No Linkage - Not Required</p>	<p>The Jay pit is not to be constructed and the previously planned meromixis in the Misery pit was solely a requirement of the use of Misery Pit as a minewater management facility for deep (connate) groundwater intercepted in the Jay Project. Minewater from the Point Lake Open Pit is to be managed through an established minewater management facility (King Pond Settlement Facility) without use of Misery Pit and without requiring meromixis in Point Lake or other open pits.</p>	<ul style="list-style-type: none"> ▪ The Point Lake Project Description provided with Arctic's Project applications to the WLWB document that the Point Lake Open Pit will remain well within permafrost and will not intersect deep (connate) groundwater. The planned depth of the open pit is 180 m below ground surface whereas the depth of permafrost is in the order of 350 to 400 m.
<p>4-3: Fine Processed Kimberlite</p> <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'èezhii Land and Water Board approves the use of the Panda and Koala pits. The Wek'èezhii 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>No Linkage - Complete</p>	<p>The WLWB approved deposition of Fine Processed Kimberlite (FPK) into the Panda and Koala open pits in 2019 and FPK deposition into those pits has been on-going since that time. FPK resulting from processing of kimberlite from the Point Lake Open Pit will be deposited into the Panda and Koala open pits.</p>	<ul style="list-style-type: none"> ▪ On March 13, 2019 the WLWB approved an update of the Wastewater and Processed Kimberlite Management Plan (Version 7.0) that authorized deposition of Fine Processed Kimberlite into the Panda and Koala open pits.

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<p>4-4: Dike Stability and Safety</p> <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 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'èezhii 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'èezhii Land and Water Board.</p>	<p>No Linkage - Not Required</p>	<p>The Jay Project dikes are not to be constructed and there is no dike construction to be undertaken for the Point Lake Project.</p>	<ul style="list-style-type: none"> • The Point Lake Project Description provided with Arctic's Project applications to the WLWB document that there is no dike construction for the Point Lake Project.

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<p>5-1: Protection of the Narrows</p> <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>	<p>No Linkage – Not Required</p>	<p>Construction, operation and closure of the Jay Project required work directly within Lac du Sauvage and the use of a notable quantity of water from Lac du Sauvage. There was risk of unacceptably low water levels in the outlet Narrows due to interception of lake water into the open pit during mining and due to backflooding the diked area for closure.</p> <p>The Point Lake Project requires no work within Lac du Sauvage, will not intercept any lake water during mining, and requires a substantially lower use of water from Lac du Sauvage for pit flooding for closure. A pump flooding design will be submitted to the WLWB for approval prior to pumping as required under the Water Licence, which will ensure that the Narrows are adequately protected against unacceptably low water levels.</p>	

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<p>6-1: Road Mitigation from Caribou Impacts</p> <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 	<p>No Linkage – Complete and Regulated under the <i>Wildlife Act</i></p>	<p>The Wildlife Effects Monitoring Plan (WEMP) and Caribou Road Mitigation Plan (CRMP) were approved by the GNWT in 2021 under the <i>Wildlife Act</i> as satisfying the requirements for a Wildlife Monitoring and Management Plan (WMMP) on a site-wide basis, which will include the Point Lake Project. In its approval, the GNWT required that the WEMP undergo public review and update in concert with the 2023 Water Licence Renewal process. This provides an approved CRMP that will apply to the Point Lake Project and ensures that the WEMP/CRMP remain current through a scheduled public review and update.</p> <p>Additionally, Arctic has committed to engage on and submit a Point Lake Project Addendum to the WEMP in early 2022 for approval by GNWT. This will ensure that Project-specific items are identified and regulated prior to the scheduled full review and update of the WEMP in 2023.</p> <p>Arctic has committed to physically modifying the Lac du Sauvage Road (formerly Jay Road) east of Point Lake to make caribou movement easier and retain a smaller road that suits future needs (i.e., heavy-haul road as constructed is not required). Arctic has committed to engaging with TK-holders</p>	<ul style="list-style-type: none"> • The Caribou Road Mitigation Plan (CRMP) includes: <ul style="list-style-type: none"> ▪ Implementation of all caribou proximity-based thresholds including road closures, and reduced speed limits; ▪ Signage to warn drivers about likelihood of encountering caribou along roads; and, ▪ Use of satellite collars to help track caribou proximity to the Ekati mine. ▪ Construction of the Jay Road was undertaken in the summer of 2017 and this included construction of the Jay road caribou crossings. ▪ Arctic continues to use the Dual Powered Road Train (DPRT) to make hauling more efficient. ▪ Use of weekly caribou collar satellite information updates and other detection systems continues to enable early detection of caribou in the vicinity of the road - as a trigger for action levels for management responses. ▪ The Air Quality and Emissions Monitoring and Management Plan (AQEMMP) was approved by the GNWT on May 31, 2017.

Measure	Linkage to Point Lake Project	Implementation Notes	Supporting Information
<p>thresholds and triggers for reopening the road.</p> <ul style="list-style-type: none"> ▪ 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 the 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 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>in 2022 (provided that Covid-19 health protocols allow a Traditional Knowledge site visit) on the design of modifications to the road. Road modifications are tentatively scheduled to be implemented in late 2022 and 2023.</p>	

Measure	Linkage to Point Lake Project	Implementation Notes	Supporting Information
<p>Measure 6-2(a): Caribou offset and mitigation plan</p> <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>Adapted and Carried Forward under the <i>Wildlife Act</i> (items i, ii, iii as directed to Arctic)</p> <p>Directed to Others (items iii, iv)</p>	<p>Item i: A Caribou Offset and Mitigation Plan for the Jay Project was prepared and Arctic has committed to carrying the Plan forward, with adaptations appropriate to the Point Lake Project in the absence of the Jay Project, throughout the duration of the Point Lake Project.</p> <p>Item ii: Some of the commitments of the Plan have been implemented and are complete, and some are being adapted as appropriate for the Point Lake Project in the absence of the Jay Project, which will require engagement prior to implementation throughout the life of the Point Lake Project. Arctic has committed to engagement on those items in 2022.</p> <p>Item iii: Arctic will carry forward the reporting and submission requirements throughout the life of the Point Lake Project.</p>	<ul style="list-style-type: none"> ▪ A summary of the 2018/2019 pilot studies was sent to the distribution list on February 14, 2020. 2019 marked the final year of the pilot program and no Envirokleen was applied at Ekati Diamond Mine in 2020.

Measure	Linkage to Point Lake Project	Implementation Notes	Supporting Information
<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. <p>iv. The GNWT will enforce the Caribou Offset and Mitigation Plan under the section 95 of the Wildlife Act.</p>			

Measure	Linkage to Point Lake Project	Implementation Notes	Supporting Information
6-2(b): Research to Design Implement Successful Offsetting Design (GNWT)	Directed to Others	Directed to Others	
<p>6-3: Air Quality Emissions Monitoring and Management Plan</p> <p>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:</p> <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 	No Linkage - Complete	The Air Quality Emissions Monitoring and Management Plan (AQEMMP) was approved by GNWT following a public review.	<ul style="list-style-type: none"> ▪ The Air Quality and Emissions Monitoring and Management Plan (AQEMMP) was approved by the GNWT on May 31, 2017.

Measure	Linkage to Point Lake Project	Implementation Notes	Supporting Information
<p style="text-align: center;">Emissions Monitoring and Management Plan</p> <ul style="list-style-type: none"> ▪ 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 <p>In addition, the GNWT will review and approve the Air Quality Emissions Monitoring and Management Plan as required by the Environmental Agreement and regulate in accordance with the <i>Environmental Protection Act</i></p>			
<p>6-4: Dustfall Standards (GNWT)</p> <p>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.</p> <p>Dominion will use the interim dustfall objective to inform its actions to reduce impacts to caribou and caribou habitat from dustfall.</p>	<p>No Linkage – Complete and In Effect on a Site-Wide Basis (items directed to Arctic)</p>	<p>Arctic applies the interim dustfall objective that has been provided by GNWT to inform its actions to reduce impacts to caribou and caribou habitat from dustfall on a site-wide basis.</p>	<ul style="list-style-type: none"> ▪ GNWT interim dustfall objective

<p>6-5: Traditional Knowledge-based Caribou Monitoring and Mitigation</p> <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: <ul style="list-style-type: none"> ○ advise on the construction and operation of the Jay road, esker crossing and waste rock management area egress ramps that limit impacts to caribou ○ 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>	<p>Adapted and Carried Forward as Regulated through the Water Licence and <i>Wildlife Act – TKEG</i> In Effect on a Site-Wide basis</p>	<p>Arctic will re-engage with the Communities of Interest on Zone of Influence research to adapt the research as appropriate to the Point Lake Project in the absence of the Jay Project. Arctic will implement the research plan.</p> <p>The Traditional Knowledge Elders Group (TKEG) did not meet in 2020 or to date in 2021 due to business shut down and Covid-19 health and safety concerns. Arctic has initiated the re-establishment of the TKEG and the TKEG will be accessed to advise on the Point Lake Project through construction, operations and closure.</p>	
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Measure	Linkage to Point Lake Project	Implementation Notes	Supporting Information
<p>6-6: Timely Completion of Caribou Management Plans (GNWT)</p>	<p>Directed to Others</p>	<p>Directed to Others</p>	
<p>7-1: Traditional Knowledge Management Framework</p> <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>No Linkage – Complete and In Effect on a Site-Wide Basis</p>	<p>A Traditional Knowledge Framework is in place and will continue to be implemented.</p>	<ul style="list-style-type: none"> ▪ The Ekati Diamond Mine Traditional Management Framework was implemented as a requirement of Part B of the Water Licence. The Framework was approved in May 2017.

Measure	Linkage to Point Lake Project	Implementation Notes	Supporting Information
<p>7-2: On the Land Culture Camp</p> <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>	<p>Adapted and Carried Forward</p>	<p>Arctic has committed to engage on, in 2022, and adapt previous implementation plans as appropriate to the Point Lake Project in the absence of the Jay Project. Arctic will then implement the Plan.</p>	

Measure	Linkage to Point Lake Project	Implementation Notes	Supporting Information
<p>8-1: Minimize Negative Socio-Economic Impacts of the Project on Communities (GNWT)</p>	<p>Directed to Others</p>	<p>Directed to Others</p>	
<p>8-2: Supporting Increased Employment Opportunities for Women</p> <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>	<p>No Linkage – In Effect on a Site-Wide Basis</p>	<p>Measures have been taken at the Ekati Diamond Mine resulting in policies related to harassment and discrimination, as well as a whistleblower policy to better support women and others at the mine. These policies will be carried forward by Arctic on a continual improvement basis.</p> <p>A survey of female staff on their experiences with training, recruitment, and employment was previously conducted and Arctic is committed to on-going implementation of actions on a continual improvement basis.</p> <p>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.</p>	<ul style="list-style-type: none"> ▪ Since the workshop held on June 3, 2016, Harassment and Discrimination Policies have been updated and rolled out to all staff and contractors. Information on the confidential Whistleblower Policy and its related reporting processes were reintroduced to employees and posters were created and placed at all work sites to ensure all employees were provided with another means of reporting concerns. ▪ The Ekati Diamond Mine is a founding member for the Northwest Territories Women in Mining Canada Chapter which was launched during the GeoScience Forum in November 2019.

Measure	Linkage to Point Lake Project	Implementation Notes	Supporting Information
<p>9-1: Incineration – Stack Testing and Reporting</p> <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>No Linkage - Complete</p>	<p>Arctic will implement the WLWB-approved Incinerator Management Plan throughout the life of the Point Lake Project.</p>	<ul style="list-style-type: none"> ▪ The Incinerator Management Plan (as part of the Waste Management Plan) was submitted to the WLWB on December 31, 2020 and approved on February 25, 2021. ▪ The Ekati Diamond Mine has successfully undertaken efforts to reduce the use of the incinerator by managing waste and composting. Incineration of waste occurs every 2-3 days and there is currently only one incinerator running.

Measure	Linkage to Point Lake Project	Implementation Notes	Supporting Information
<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>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>			

Measure	Linkage to Point Lake Project	Implementation Notes	Supporting Information
<p>9-2: Reporting on Greenhouse Gas Emission and Management</p> <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>No Linkage – In Effect on a Site-Wide Basis</p>	<p>Arctic annually reports on GHG emissions and management on a site-wide basis through established government and industry programs.</p>	<ul style="list-style-type: none"> ▪ Ekati is committed to optimizing the use of Dual-Powered Road Trains (larger trucks which make hauling more efficient) as means to reduce overall traffic and GHG emissions on the Misery Haul Road. ▪ The Ekati Diamond Mine reports pollutant emissions to the NPRI on annual basis for the Ekati mine site and through regular site-wide Air Quality monitoring data reporting, which can be found on the WLWB online public registry under file W2012L2-0001. Greenhouse gas emissions are reported to the Greenhouse Gas Reporting Program (GHGRP) for Environment and Climate Change Canada.

Measure	Linkage to Point Lake Project	Implementation Notes	Supporting Information
<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>			

Measure	Linkage to Point Lake Project	Implementation Notes	Supporting Information
<p>13-1: Monitoring and Adaptive Management by Dominion</p> <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: 2. to measure the effects of the Jay Project on the environment; 3. to assess the implementation and effectiveness of the measures in this Report of EA to prevent or minimize impacts on the environment; 4. to assess the accuracy of predictions made during the environmental assessment, regarding the impacts of the project on the environment; and, 5. to provide relevant data and information to support regional monitoring initiatives. <p>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.</p>	<p>No Linkage – In Effect on a Site- Wie Basis</p>	<p>Environmental monitoring and management at the Ekati Diamond Mine is conducted on an adaptive management basis in accordance with the Environmental Agreement and individual authorizations under the Water Licence. Adaptive management is reported through annual reports and the 3-year Environmental Impact Reports required under the Environmental Agreement. Arctic will continue to implement adaptive management throughout the life of the Point Lake Project.</p>	<ul style="list-style-type: none"> ▪ Article 1.2(b) of the Environmental Agreement reads as follows: <ul style="list-style-type: none"> ○ The parties agree to carry out their responsibilities under this Agreement and Regulatory Instruments consistent with the purposes in Section 1.1 and in ways which fully apply adaptive management principles making use of the best available information and technology.

Measure	Linkage to Point Lake Project	Implementation Notes	Supporting Information
<p>13-2: Engagement on Cultural Impacts</p> <p>In order to evaluate and, through adaptive management, improve the effectiveness of Dominion's mitigation of cultural impacts, Dominion will:</p> <ul 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, <p>report annually to those Aboriginal groups on the effectiveness of Dominion's efforts to mitigate cultural impacts.</p>	<p>No Linkage – In Effect on a Site-Wide Basis</p>	<p>Arctic has been actively building relationships with IGO's that has and will continue to include engagement on id3nticyign and mitigating potential cultural impacts on a site-wide basis.</p> <p>Due to the COVID-19 Pandemic and Ekati entering into the CCAA process, community engagement activities were generally restricted during 2020. Arctic is committed to engaging with Indigenous Governments and Organizations to restart programs such as the Traditional Knowledge Elders Group, provide funding for traditional knowledge projects, and bring community members to the Ekati Mine for site tours once it is safe to do so.</p>	

Measure	Linkage to Point Lake Project	Implementation Notes	Supporting Information
<p>13-3: Annual Reporting from Dominion</p> <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 	<p>No Linkage – In Effect on a Site- Wide Basis</p>	<p>Arctic reports annually and on other appropriate or specified schedules on all aspects of the Ekati Diamond Mine. Reporting mechanisms include the Annual Water Licence and Environmental Agreement Annual Report, the 3-year Environmental Impact Report, the Annual Socio-Economic Agreement Report, the Annual Wildlife Effects Monitoring Report, and numerous topic-specific reports. These reporting mechanisms are public and address the needs of Measures that are linked herein to the Point Lake Project.</p>	

Measure	Linkage to Point Lake Project	Implementation Notes	Supporting Information
<p>(such as documents related to aquatic effects, wildlife, or air quality programs); and,</p> <p>d) address any specific reporting requirements noted in the EA measures set out in this report and summarized in Appendix A.</p> <p>Dominion will provide a copy of this annual report to the Review Board prior to July 1 of each year.</p>			
<p>13-4: Annual Reporting from Government and Regulatory Authorities (GNWT/WLWB)</p>	<p>Directed to Others</p>	<p>Directed to Others</p>	