



August 9, 2022

Ms. Sheila Chernys
Head of Health, Safety, Security, Environment and Communities.
Arctic Canadian Diamond Company Ltd.
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Dear Ms. Chernys:

Submission of an Updated Wildlife Management and Monitoring Plan for the Ekati Diamond Mine for Minister Approval under Section 95(1) of the *Wildlife Act* in Conjunction with the Water Licence Renewal Process

On June 23, 2021, the Minister of Environment and Natural Resources (the Minister) of the Government of the Northwest Territories (GNWT) notified Arctic Canadian Diamond Company Ltd. (Arctic) that an approved Wildlife Management and Monitoring Plan (WMMP) was required under Section 95(1) of the *Wildlife Act* for the Ekati Diamond Mine. In addition the letter indicated that the Minister had accepted the existing Wildlife Effects Monitoring Program (WEMP) as fulfilling the requirement for a WMMP for the whole Ekati Diamond Mine under Section 95(3) of the *Wildlife Act*. At that time, Arctic was also notified that the Department of Environment and Natural Resources (ENR) expected that a revised Tier 3 WMMP would be provided with Arctic's October 2022 water licence renewal application. The letter further clarified that the WMMP would address wildlife-related requirements arising from regulatory processes for other projects at the Ekati mine (e.g. the Point Lake Project), and recommendations arising from reviews of its annual wildlife reports for 2020 to 2022.

The updated WMMP should be consistent with the most current version of ENR's WMMP Process and Content Guidelines available on the ENR website. ENR encourages Arctic to consult the Annotated Table of Contents for WMMPs (also available on the ENR website) when drafting the Tier 3 WMMP.

Regarding the process for submission, public review and Minister approval of the Tier 3 WMMP, Arctic is encouraged to submit the WMMP to the Wek'èezhì Land and Water Board (WLWB) as part of the water licence renewal package and notify ENR when it has done so. The WMMP will then be posted for a 30-day public review on the WLWB's Online Review System (ORS).

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As per the disclaimer on the ORS, ENR relies on the Board's process as the primary means to fulfill its duty to consult with Indigenous peoples and, if appropriate, accommodate potential adverse impacts to asserted or established aboriginal and/or treaty rights resulting from its decision about whether to approve the WMMP. Following the public review period, Arctic will provide responses to reviewer comments and recommendations via the ORS. ENR has also requested that an additional day be added to the agenda for the WLWB's technical sessions to focus specifically on the WMMP. This will provide interested parties with an additional opportunity to ask questions and provide comments and recommendations to Arctic. Following the technical sessions, Arctic will submit an updated version of the WMMP to ENR for approval which addresses the comments and recommendations from the public review period and technical sessions. Prior to making its approval decision, ENR will send out a notification to Indigenous governments and Indigenous organizations that consultation on the WMMP has closed.

In the updated WMMP, ENR would like to see a greater focus on robust monitoring programs that can be used to evaluate the effectiveness of mitigation measures and factors affecting permeability of the site to caribou movements. Arctic has made statements in previous wildlife reports such as "roads do not appear to be barriers to caribou movement when they are encountered at the Ekati Diamond Mine", but ENR and others have commented that this is not well substantiated by the data presented nor have the monitoring programs been adequately designed to definitively evaluate these questions and make such conclusions.

ENR expects the following recurring issues which have been raised in reviews of annual wildlife reports for 2020 to 2022 to be addressed in the updated Tier 3 WMMP:

- Arctic will devise a method to monitor hourly traffic volumes on project roads and report daily summaries in their annual WMMP reports.
- Going forward, Arctic will use the traffic volume data to correlate with timing of observations of caribou data to the nearest timing window in other methods (i.e. time signatures on photos, time of systematic observations, collared data timing windows).
- Arctic will provide this information to interested parties annually to facilitate discussion of refinements to mitigation and monitoring in the WMMP, and to the Caribou Road Mitigation Plan (CRMP).
- Regarding Arctic's remote camera monitoring program:
 - Arctic should work to incorporate traffic data, at a daily or ideally hourly scale, and road closure timing into the analysis and cross-reference them to the timing signature on the photos.

- Arctic should engage with the Independent Environmental Monitoring Agency (IEMA), the GNWT, and other interested parties in the development of an appropriate study design to get at mitigation effectiveness.
- Arctic should examine the data in relation to other informative variables such as season and time of day.
- Regarding the CRMP:
 - Arctic should provide additional information on how snow berm height is monitored on project roads to ensure that it is not presenting a visual or physical barrier to caribou.
 - Arctic should design a monitoring program to specifically test whether caribou are preferentially using caribou crossing structures along project roads related to other road sections without crossing structures.
 - In future annual reports, Arctic should report the basis for the decision to close a road and to reopen the road, including detailed information about road closures (which roads, how long, what triggered it).
 - Arctic will engage with interested parties to evaluate the appropriateness of the CRMP triggers prior to the next WMMP revision.
- ENR previously recommended that Ekati and Diavik should collaborate to provide a single analysis of the behaviour monitoring data collected in recent years to address the objective of determining if caribou behaviour changes with distance from the mines. Given the ongoing difficulties in obtaining adequate behaviour monitoring data from both mines to conduct such analyses, Arctic should consider whether it is worthwhile continuing this program, or propose how it would like to modify its approach to monitoring how caribou behaviour changes with distance from the mine so that it can provide meaningful information about drivers of zone of influence (ZOI) and effectiveness of mitigation measures. To evaluate the continued inclusion of monitoring of caribou responses to stressors in the WMMP going forward, Arctic provided in its 2021 WMMP a comprehensive account of what has been learned about observable caribou responses to stressors to date, how this addresses impact predictions, and provides an assessment of how this has informed improved mitigation at the mine site.
- In future annual WMMP reports, Arctic should provide information on how it is using the collar data from barren-ground caribou to detect approaching caribou, and how Arctic responds when approaching caribou are detected.

Regarding evaluation of the ZOI of the mine on barren-ground caribou, ENR is of the view that, given increased number of collars on barren-ground caribou herds, data from geofenced collars will suffice for evaluating ZOI.

ENR sees value in continuing to assess spatio-temporal trends in ZOI with respect to variation in mine activity levels and the addition of the Point Lake project, as well as when Ekati and Diavik transition into the closure and post-closure phases. ENR expects the WMMP to include details about methods that Arctic will use to evaluate ZOI, including how such analyses will consider metrics of mine activity such as road traffic levels. Arctic is encouraged to consider the most recent draft of the guidance document from the ZOI Technical Task Group, as well as peer-reviewed methods contained in Boulanger et al 2021¹. ENR expects Arctic to report on the results of ZOI analyses in each comprehensive WMMP report. Annual estimates of ZOI will be reported for all intervening years in which an adequate sample size is achieved. Furthermore, ENR would like to see the WMMP include a description of more in-depth analyses that will be used to assess potential mechanisms that contribute to ZOI. ENR recently reviewed and commented on Arctic's proposed methods for undertaking such analyses using collar data and looks forward to seeing how the results of these analyses will inform these sections of the revised WMMPs.

Finally, ENR expects that any additional mitigation and monitoring measures that were proposed in the June 2022 Post-Dewatering WEMP Addendum for the Point Lake Project that were not part of the existing WEMP approved by ENR in June 2021 will be incorporated in the updated site-wide WMMP to be submitted in October 2022.

Please contact Ms. Kathy Unger, Manager of Habitat and Environmental Assessment, at 867-767-9237 extension 53227 or kathy.unger@gov.nt.ca if you have any questions.

Sincerely,



Brett Elkin
A/Deputy Minister
Environment and Natural Resources

c. Honourable Premier Caroline Cochrane

Grand Chief Jackson Lafferty
Tł̨ch̨ Government

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¹ Boulanger, J., K.G. Poole, A. Gunn, J. Adamczewski and J. Wierzchowski. 2021. Estimation of trends in zone of influence of mine sites on barren-ground caribou populations in the Northwest Territories, Canada, using new methods. Wildlife Biology doi:10.2981/wlb.00719.

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