



Diavik Diamond Mines Inc. EA 1819-01

Depositing Processed Kimberlite in Pits and Underground

**Presentation to the
Mackenzie Valley Environmental Impact Review Board**
Public Hearing, Yellowknife, NT
September 3 to 7, 2019

Overview of Presentation

1. Fisheries and Oceans Canada (DFO) – Fish and Fish Habitat Protection Program (FFHPP)
 - Mandate and Legislation
2. Assessment and Recommendations
3. Conclusion
4. Questions and Comments

DFO - Fish and Fish Habitat Protection Program (FFHPP) Mandate

- Amended Fisheries Act came into force on **August 28, 2019**
- The **mandate** of the Fish and Fish Habitat Protection Program is to maintain the sustainability and ongoing productivity of **all fish and fish habitat** in Canada

FFHPP – Legislation

- **Fisheries Act**
 - Section 35
 - Prohibits “death of fish” and “harmful alteration, disruption or destruction” of fish habitat (HADD)
 - Allows for authorization of impacts with conditions
 - Allows authorization amendments under HADD

Diavik – Current Fisheries Authorization

- *Fisheries Act* Authorization (FA) was issued for impacts resulting from the destruction of fish habitat
- Offsetting (a requirement of the FA) measures included development of shallow rearing habitat, spawning shoals and shoreline habitat within the diked areas (A21, A154, A418) at closure

Issues

- Prior to the changes to the Fisheries Act coming into force, DFO had some concerns about the legal ability to change conditions of an existing Fisheries Act Authorization.
- Fisheries Act Authorization had provisions for using A21 as the first pit to be returned to productive fish habitat and using the results of monitoring to dictate the process for pits A418 and A514
- Changes to pit use or development may require alterations to existing No Net Loss Plan (offsetting)

Assessment

Fisheries and Oceans Canada's comments are focused on updated accounting within a **Fish and Fish Habitat Offsetting Plan**

- Proposed deposition of processed kimberlite will be within the original footprint of this authorization
- Not anticipated to result in additional negative impacts to fish and fish habitat not already covered under the existing Fisheries Act authorization
- Amendment to authorization would allow for changes in scheduling (e.g., start with A418 compensation work)

Assessment

- Offsetting will be contingent upon the outcome of the Boards decision
- Reconnection of the pits to Lac de Gras is dependent on the results of water quality monitoring and tailings stability, as per ECCC's mandate

Recommendations

DFO-FFHPP recommends the Proponent:

1. Apply for a Fisheries Act amendment to the existing authorization to reflect the proposed changes to the mine operations (e.g., scheduling) as dictated by the Board's decision on the project
2. Update their offsetting plan accordingly to ensure that any outstanding impacts to fish habitat are adequately offset

Conclusion

- Proposed project amendment is not anticipated to result in additional negative impacts to fish and fish habitat not already covered under the existing *Fisheries Act* authorization
- Fisheries and Oceans Canada will continue to work with the Proponent and stakeholders, including potentially impacted communities, to ensure that concerns related to offsetting programs are addressed

Mahsì cho Thank You

Questions?