



Government of the Northwest Territories
Report
for
DOMINION DIAMOND EKATI CORPORATION
Jay Project Annual Measures Reporting

EA1314-01

SUBMITTED TO
Mackenzie Valley Environmental Impact Review Board

200 Scotia Centre, P.O. Box 938

Yellowknife, NT X1A 2N7

June 30, 2017

Report on Implementation of Jay Measures – GNWT 2017 Annual Report

Preamble

The GNWT's responses in the "Detail on Measure Progress" column are formatted in response to the Measure 13-4 criteria, outlined below for reference.

Measure 13-4: Annual reporting from government and regulatory authorities:

In order to evaluate the effectiveness of mitigation measures for the protection of the environment, each regulatory authority or government that is wholly or partly responsible for implementation of any measure in this Report of EA will prepare an annual Report on Implementation of Jay Project Measures. The Report will:

- a) describe the actions being undertaken to implement the EA measures or the part(s) of the EA measure for which the regulatory authority or government 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:
 - 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?

Prior to July 1 of each year, during all phases of the Jay Project to which a particular measure applies, each regulatory authority and government will provide a copy of this annual report to the Review Board.

| Discipline | Measure | Text of Measure | Party Responsible | Detail on measure progress for measures assigned in whole or in part to the GNWT. GNWT responses are separated into sections of Measure 13-4. |
|--------------------------|------------------------------------|---|---|---|
| Impacts to Water quality | 4-1: Closure objectives | 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 - Jay pit, Misery pit, Lynx pit, Jay waste rock storage area. | Wek'èezhii Land and Water Board (WLWB), Dominion Diamond Ekati Corporation (DDEC) | Measure is not directed to GNWT. GNWT will continue to participate in review processes as required. |
| Impacts to Water quality | 4-2(a): Site Water Management Plan | 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 closure, while protecting the environment during operations. The plan will include, but not be limited to: | DDEC | Measure is not directed to GNWT. GNWT will continue to participate in review processes as required. |

Report on Implementation of Jay Measures – GNWT 2017 Annual Report

| Discipline | Measure | Text of Measure | Party Responsible | Detail on measure progress for measures assigned in whole or in part to the GNWT. GNWT responses are separated into sections of Measure 13-4. |
|--------------------------|--------------------------------|---|-------------------|--|
| | | <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 | | |
| Impacts to Water quality | 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'èezhii Land and Water Board for approval prior to the implementation of any contingency.</p> | DDEC | Measure is not directed to GNWT. GNWT will continue to participate in review processes as required. |
| Impacts to Water quality | 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'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> | DDEC | Measure is not directed to GNWT. |
| Impacts to Water quality | 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'èezhii 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 accept the dike design prior to the commencement of dike construction • review the dike operation | DDEC | <p>a) The GNWT acknowledges that DDEC engaged with the GNWT on the panel composition and tasks. The GNWT provided comments directly to DDEC on the Jay Dike Design Panel composition and terms of reference in a letter dated July 18, 2016. The comments were also submitted to the WLWB via the online review system. The GNWT's letter can be viewed at http://registry.mvlwb.ca/Documents/W2013L2-0002/Ekati%20Jay%20Project%20-%20Dike%20Review%20Panel%20</p> |

Report on Implementation of Jay Measures – GNWT 2017 Annual Report

| Discipline | Measure | Text of Measure | Party Responsible | Detail on measure progress for measures assigned in whole or in part to the GNWT. GNWT responses are separated into sections of Measure 13-4. |
|-----------------------|--|--|-------------------|--|
| | | 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. | | %20Review%20Summary%20and%20Attachments%20-%20Sep%202016.pdf On July 26, 2016 DDEC committed to notifying the GNWT, the Wek'èezhii Land and Water Board, and the Independent Environmental Monitoring Agency if there is a change to Panel tasks and providing curricula vitae if there is a change in Panel composition over the life of the Jay Project. Changes in composition and/or tasks of the Panel will also be recorded and reflected in the minutes/reports submitted from the Panel meetings. b) N/A |
| 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 | Measure is not directed to GNWT. GNWT will participate in review processes as required. |
| Impacts to Caribou | 6-1: Road mitigations from caribou impacts | a) In order to mitigate significant incremental and cumulative adverse impacts to caribou from roads used by the Jay Project, Dominion will: <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 | DDEC | Measure is not directed to GNWT. GNWT will continue to participate in review processes as required. |
| | | 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. In the Caribou Road Mitigation Plan, Dominion will: | DDEC | Measure is not directed to GNWT. GNWT will continue to participate in review processes as required. |

Report on Implementation of Jay Measures – GNWT 2017 Annual Report

| Discipline | Measure | Text of Measure | Party Responsible | Detail on measure progress for measures assigned in whole or in part to the GNWT. GNWT responses are separated into sections of Measure 13-4. |
|------------|---------|--|-------------------|---|
| | | <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 esker crossing and specify contingency measures if caribou do not cross the Jay Road at the esker.</p> | DDEC | Measure is not directed to GNWT. GNWT will continue to participate in review processes as required. |
| | | <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</p> | DDEC, GNWT | a) Measure 6-1(d) required DDEC to submit the Caribou Road Mitigation Plan (CRMP) to GNWT ENR for approval. The CRMP was submitted to ENR as an appendix to the Ekati Wildlife Effects Monitoring Plan (WEMP) on March 13, 2017. ENR approved the WEMP, including the CRMP on |

Report on Implementation of Jay Measures – GNWT 2017 Annual Report

| Discipline | Measure | Text of Measure | Party Responsible | Detail on measure progress for measures assigned in whole or in part to the GNWT. GNWT responses are separated into sections of Measure 13-4. |
|--------------------|--|--|-------------------|---|
| | | management to communities in person, in a culturally appropriate manner. | | <p>June 1, 2017. ENR's approval letter and Reasons for Decision can be viewed at http://www.reviewboard.ca/upload/project_document/EA_1314-01_GNWT_-_WEMP_Including_Caribou_Road_Mitigation_Plan_measure_6-1.PDF.</p> <p>b) ENR determined that the WEMP and CRMP will satisfactorily address the content requirements for a Wildlife Management and Monitoring Plan (WMMP) identified in subsection 95(2) of the <i>Wildlife Act</i> and the requirements of Measure 6-1 from the Report of EA once the conditions outlined in the ENR's Reasons for Decision are met.</p> <ol style="list-style-type: none"> i. The implementation action of approving the CRMP ensured that DDEC included all of the necessary content required under Measure 6-1 in the CRMP. ii. Not applicable. iii. Not applicable. iv. Process considerations were taken into account when approving the WEMP and CRMP. Measure 6-1(d) stated that "...the GNWT should provide the opportunity for public comment." ENR posted the WEMP and CRMP on ENR's website from December 16, 2016 to January 13, 2017, notified stakeholders, and solicited feedback on the plans as set out in ENR's June 1, 2017 Reasons for Decision. |
| Impacts to Caribou | 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> | DDEC | Measure 6-2(a)(i) is not directed to GNWT. GNWT will participate in review processes as required. |
| | | <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 | DDEC | Measure 6-2(a)(ii) is not directed to GNWT. GNWT will participate in review processes as required. |

Report on Implementation of Jay Measures – GNWT 2017 Annual Report

| Discipline | Measure | Text of Measure | Party Responsible | Detail on measure progress for measures assigned in whole or in part to the GNWT. GNWT responses are separated into sections of Measure 13-4. |
|--------------------|---|--|-------------------|--|
| | | <p>offset Jay Project impacts during caribou migration periods</p> <ul style="list-style-type: none"> • 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, GNWT | The GNWT is not required to perform any actions associated with Measure 6-2(a)(iii) until an annual report is submitted by DDEC (anticipated in spring 2018). |
| | | <p>iv. The GNWT will enforce the Caribou Offset and Mitigation Plan under the section 95 of the Wildlife Act.</p> | GNWT | DDEC released the Caribou Offset and Mitigation Plan (COMP) on May 19, 2017 and the GNWT-ENR will monitor the COMP outcomes for compliance. |
| Impacts to Caribou | 6-2(b): Research to design implement successful offsetting projects | <p>The GNWT will measure and evaluate the effectiveness of Dominion's offsets that result from the approved Caribou Offset and Mitigation Plan.</p> <p>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.</p> | GNWT | <p>a) Action on this item could not start until DDEC completed the Caribou Offset and Mitigation Plan (COMP). The plan was available to the GNWT via the Review Board's registry on May 23, 2017. In the weeks since DDEC released the COMP, the GNWT has been reviewing the COMP. The Measure specifies that the GNWT report publically on Measure 6-2(b) within one year of approval of the COMP. The COMP does not require approval from ENR and does not have an approval date, therefore ENR will report on Measure 6-2(b) within one year of the release of the COMP.</p> <p>b) N/A. It is too early to report on this measure. ENR will</p> |

Report on Implementation of Jay Measures – GNWT 2017 Annual Report

| Discipline | Measure | Text of Measure | Party Responsible | Detail on measure progress for measures assigned in whole or in part to the GNWT. GNWT responses are separated into sections of Measure 13-4. |
|----------------------------|---|---|-------------------|---|
| | | | | report on Measure 6-2(b) within one year (i.e., by May 23, 2018) of the release of the COMP. |
| Caribou, dust, air quality | 6-3: Air Quality Emissions Monitoring and Management Plan | <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.</p> <p>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 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 <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> | DDEC, GNWT | <p>a) GNWT was assigned a role in Measure 6-3, in that DDEC is to submit an updated Air Quality Emissions Monitoring and Management Plan (AQEMMP) for public review and approval process as required by the GNWT. The GNWT was also directed by Measure 6-3 to review and approve the AQEMMP as required by the Environmental Agreement and regulate in accordance with the <i>Environmental Protection Act</i> (EPA). On January 25, 2017 DDEC submitted the AQEMMP for ENR's approval. ENR approved the AQEMMP on May 31, 2017. ENR's approval letter and Reasons for Decision can be viewed at on the Review Board's registry at http://www.reviewboard.ca/upload/project_document/EA_1314-01_GNWT_-_AQEMMP_Measure_6-3.PDF.</p> <p>b) ENR reviewed the Jay AQEMMP, January 2017, against the requirements of the Ekati Environmental Agreement, Measure 6-3, and the concerns of participating reviewers. ENR is of the view that DDEC's final proposed AQEMMP is adequate and complete and ENR approved the AQEMMP as set out in (a) (above).</p> <ol style="list-style-type: none"> i. In approving the AQEMMP ENR ensured that DDEC included all of the necessary content required under Measure 6-3 in the AQEMMP but it is the implementation of the AQEMMP by DDEC that is responsible for addressing significant adverse impacts on the environment. ii. Not applicable. iii. Not applicable. iv. ENR addressed the process considerations and challenges, including those related to the Measure's reference to the EPA and the Ekati Environmental Agreement, in its Reasons for Decision document that accompanied its AQEMMP approval letter. |
| Impacts to Caribou | 6-4: Dustfall standards | <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. Dominion will use the interim dustfall objective to inform its actions to reduce impacts to caribou and caribou habitat from dustfall.</p> | GNWT | <p>a) In a letter dated May 31, 2017, ENR established an interim dustfall objective for the Ekati mine. ENR's response to Measure 6-4 can be viewed on the Review Board's website at http://www.reviewboard.ca/upload/project_document/EA_1314-01_GNWT_dustfall_standard_Measure_6-4_from_Report_of_EA.PDF.</p> <p>b) ENR's response to Measure 6-4 explains how the interim</p> |

Report on Implementation of Jay Measures – GNWT 2017 Annual Report

| Discipline | Measure | Text of Measure | Party Responsible | Detail on measure progress for measures assigned in whole or in part to the GNWT. GNWT responses are separated into sections of Measure 13-4. |
|--------------------------------|--|--|-------------------|---|
| | | | | <p>dustfall objective is intended to fulfill the intent of Measure 6-4.</p> <ol style="list-style-type: none"> i. The interim dustfall objective is designed to reduce the amount of dust on site. A reduction in dust should help address the Review Board's conclusion that dust-related sensory disturbances from the Jay Project could cause a significant adverse impact to caribou. Please see ENR's May 31, 2017 response to Measure 6-4 for more details on the rationale and implementation of the objective. ii. The effectiveness of the interim dustfall objective cannot be evaluated at this time, as the objective was only established on May 31, 2017. iii. N/A iv. The lack of GNWT regulations and lack of available examples from other jurisdictions were important considerations for the GNWT in developing this response. There is a lack of data available on the impacts of dust on caribou and caribou habitat, including lichen and other caribou forage. Insufficient scientific evidence to support a quantitative deposition limit that would be protective of the environment and/or human health was a hindrance to establishing an interim dustfall objective. ENR is conducting a literature review to identify potential research directions to better inform deposition limits and investigate effects of atmospheric emissions on the terrestrial environment in the arctic in order to address this problem. |
| Caribou, Traditional Knowledge | 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: <ul style="list-style-type: none"> ○ advise on the construction and operation of the Jay road, esker crossing and waste rock management area egress | DDEC | Measure is not directed to GNWT. GNWT will participate in review processes as required. |

Report on Implementation of Jay Measures – GNWT 2017 Annual Report

| Discipline | Measure | Text of Measure | Party Responsible | Detail on measure progress for measures assigned in whole or in part to the GNWT. GNWT responses are separated into sections of Measure 13-4. |
|--------------------|--|---|-------------------|--|
| | | <ul style="list-style-type: none"> ○ 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> | | |
| Impacts to Caribou | 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 | GNWT | <p>a) The GNWT was required to complete Measure 6-6 within one year of Ministerial approval of the Report of EA (i.e., within one year of May 19, 2016). On May 18, 2017, ENR submitted a response to Measure 6-6 to the Review Board. ENR's response to Measure 6-6 outlines the actions being taken by ENR to implement the measure. The response can be viewed on the Review Board's registry at http://www.reviewboard.ca/upload/project_document/EA_1314-01_GNWT-ENR_response_to_measure_6-6_18-May-2017.PDF.</p> <p>b) ENR's response to Measure 6-6 explains how the implementation action is intended to fulfill the intent of Measure 6-6.</p> <ol style="list-style-type: none"> i. Details on how the implementation actions address the predicted cumulative significant impacts from the Jay Project and other human activities on the Bathurst herd are outlined in ENR's response to Measure 6-6. ii. An assessment of the effectiveness of ENR's response to Measure 6-6 has not been undertaken, as ENR's response was only submitted on May 18, 2017. iii. The information presented in ENR's response to Measure 6-6 will help inform future management plans and actions. iv. The management of barren-ground caribou in the Northwest Territories is a collaborative process, with decision-making shared by co-management boards, Aboriginal governments, the GNWT, and agencies in neighbouring jurisdictions. ENR was given one year from the Ministerial approval of the Report of EA (i.e., one year from May 19, 2016) to respond to Measure 6-6, which included the implementation of an interim management plan for the Bathurst caribou herd and |

Report on Implementation of Jay Measures – GNWT 2017 Annual Report

| Discipline | Measure | Text of Measure | Party Responsible | Detail on measure progress for measures assigned in whole or in part to the GNWT. GNWT responses are separated into sections of Measure 13-4. |
|--------------------------------|---|---|-------------------|---|
| | | | | <p>the implementation of a herd recovery strategy towards a sustainable and ongoing Aboriginal harvest. One year was not enough time to develop official management plans and recovery strategies given that all co-management partners would need to be involved in such strategies. As a result, ENR developed an interim strategy for the recovery of the Bathurst caribou herd that meets the intent of Measure 6-6 and builds on processes already underway. The GNWT will continue to work with our co-management partners on matters related to Bathurst caribou and will update the Review Board, where appropriate, as progress is made.</p> |
| Impacts to Caribou | 6-6: Timely completion of caribou management plans - suggestion | SUGGESTION: GNWT should work towards producing interim thresholds for developments and other human activities within the range of the Bathurst caribou herd. | GNWT | <p>Through the Bathurst Caribou Range Planning process, the GNWT is currently engaging the public on the Bathurst Caribou Range Plan Interim Discussion Document released in December 2016. The document presents important considerations and questions for guiding community and decision-maker engagement; including the use of a cumulative disturbance framework based on tiered disturbance thresholds and corresponding management responses that can be implemented to manage overall disturbance levels across the Bathurst caribou range. The focus in early 2017 has been on engaging with communities, governments, co-management boards, industry and other interested parties on the current content and direction of the Bathurst Caribou Range Plan. The Bathurst Caribou Range Plan Working Group and Project Team will review and consider the input provided during that process, and address outstanding range planning topics. A full draft Bathurst Caribou Range Plan with management recommendations will be developed by the Working Group in the fall of 2017, after which a second round of community and decision maker engagement will occur on this draft plan. A final Bathurst Caribou Range Plan is expected to be released in 2018.</p> |
| Culture, 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> | DDEC | <p>Measure is not directed to GNWT. GNWT will participate in review processes as required.</p> |

Report on Implementation of Jay Measures – GNWT 2017 Annual Report

| Discipline | Measure | Text of Measure | Party Responsible | Detail on measure progress for measures assigned in whole or in part to the GNWT. GNWT responses are separated into sections of Measure 13-4. |
|---|---|--|-------------------|--|
| | | 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. | | |
| Culture, Traditional Knowledge | 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 | This measure is not directed to GNWT. GNWT notes that DDEC has recently applied for a land use permit for this camp; GNWT will continue to participate in permit review, compliance and enforcement processes as required. |
| 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.</p> <p>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> | GNWT | a) Measure 8-1 requires that the GNWT 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 projects. As a part of the Socio-Economic Agreements (SEAs) with Ekati, Diavik, Snap Lake, and Gahcho Kué mines, the GNWT actively monitors adverse socio-economic impacts of diamond mining and extends an offer to meet annually with all communities identified in the SEAs to report on this monitoring. The GNWT reports on this monitoring in the Communities and Diamonds Report which tracks a number of socio-economic indicators in the city of Yellowknife and the small local communities of Behchokò, Whati, Wekweèti, Gamèti, Detah, Ndilò, and Èttsel'ke. Since Ministerial approval of the Report of EA on May 19, 2016, the communities of Behchokò, Whati, Wekweèti and Gamèti accepted the offer of community meetings. In late 2016, community meetings were held jointly by GNWT and mining representatives in Behchokò, Gamèti, Whati and Wekweèti. Offers to meet with Èttsel'ke, the Yellowknives Dene First Nation and the North Slave Métis Alliance were made, however, a mutually agreeable time was not found for a meeting. Offers to meet will be extended again in 2017. The GNWT is committed to supporting all communities affected by diamond mining and will continue to engage with them annually. During the community meetings, the GNWT presented their |

Report on Implementation of Jay Measures – GNWT 2017 Annual Report

| Discipline | Measure | Text of Measure | Party Responsible | Detail on measure progress for measures assigned in whole or in part to the GNWT. GNWT responses are separated into sections of Measure 13-4. |
|------------|---------|-----------------|-------------------|--|
| | | | | <p>Communities and Diamonds 2015 Report (available online at: http://www.assembly.gov.nt.ca/sites/default/files/td_28-182.pdf) and representatives of the relevant mining companies presented their sustainability reports. Community members were encouraged to ask questions or provide feedback regarding the reports, emergent socio-economic issues from diamond mining, and government programs and services. Staff from the Departments of Education, Culture and Employment, Health and Social Services, Industry Tourism and Investment, and Justice attended, as well as staff from the Tłıchǫ Community Services Agency. Participants also engaged with community members after the formal session concluded. Meetings were arranged in the evening and dinner was provided to ensure that community members were available to participate. Through these meetings and the adaptive delivery and support of community programs, the GNWT meets requirements 1-3 of Measure 8-1. A full summary of the meetings, as well as an annual progress report can be found in the 2016 Annual Socio-Economic Agreements Implementation Report, which is made available for the communities to access online at: http://www.assembly.gov.nt.ca/sites/default/files/td_393-182.pdf. These reports are mailed out to each diamond mining community and copies are also brought to the Communities and Diamonds meetings to be shared with community members. In addition to summarizing the meetings, the report outlines community-led initiatives that the GNWT supports for the health and wellness of these communities, including Land-Based Healing to provide residents with access to culturally appropriate wellness programs to meet their needs, as well as community wellness initiatives to assist communities in identifying their local priorities and critically address local health and social issues. The GNWT also engages and consults with communities and front-line staff across the NWT on a regular basis. For example, from May 19, 2016 to May 18, 2017, the GNWT met with communities to collaborate on several of the initiatives described in the Implementation Report, such as the Youth Mental Health Action Plan, On The Land Programming, and the Community Counselling Program. The RCMP engages with communities annually to develop Community Policing Plans. A full description of these initiatives, as well as</p> |

Report on Implementation of Jay Measures – GNWT 2017 Annual Report

| Discipline | Measure | Text of Measure | Party Responsible | Detail on measure progress for measures assigned in whole or in part to the GNWT. GNWT responses are separated into sections of Measure 13-4. |
|--|--|--|-------------------|--|
| | | | | <p>other programs and services that address commonly identified concerns can be found in the 2016 Annual Socio-Economic Agreements Implementation Report which communities can access online.</p> <p>b)</p> <ul style="list-style-type: none"> i. The GNWT is implementing measure 8-1 through its SEA requirements and meetings with impacted communities as part of its commitments in the SEAs. These meetings and the GNWT’s monitoring of the socio-economic indicators address potential linkages of diamond mining effects on the health and well-being of affected communities, and community members are actively engaged with and encouraged to provide feedback on any adverse social impacts to health and well-being in this process. ii. It is not possible to evaluate how effective the implementation actions are at reducing, controlling, or eliminating any impacts or their likelihood, at this early stage of implementation. iii. N/A. iv. Under the Tłı̨chǫ Agreement, the Tłı̨chǫ Government may choose to draw down jurisdiction in some of the areas covered by Measure 8-1. Therefore, the GNWT continues to work closely with the Tłı̨chǫ Government on issues related to well-being and to support their efforts aimed at improving outcomes in this area. |
| Socio-economic, employment | 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 | Measure is not directed to GNWT. The GNWT, the Status of Women Council of the NWT and the Native Women’s Association of the NWT met with DDEC for a half day consultation on June 3, 2016 to discuss training, recruitment and employment of women. GNWT will respond to any further consultation requests from DDEC. |
| Air quality, stack testing, incineration | 9-1: Incineration – Stack Testing and Reporting | 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 | DDEC | The GNWT acknowledges that DDEC provided the 2016 Emission Monitoring Report for Ekati Incinerator Stack Testing to ENR on February 17, 2017. The report satisfied the portion of Measure 9-1 that states: <i>“Dominion will conduct incinerator stack testing at least every</i> |

Report on Implementation of Jay Measures – GNWT 2017 Annual Report

| Discipline | Measure | Text of Measure | Party Responsible | Detail on measure progress for measures assigned in whole or in part to the GNWT. GNWT responses are separated into sections of Measure 13-4. |
|-------------------------------|--|---|-------------------|--|
| | | <p>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><i>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 the stack testing."</i></p> |
| Air quality, greenhouse gases | Measure 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 | DDEC | <p>Measure is not directed to GNWT. GNWT will participate in review processes as required, including any reviews of the Air Quality Emissions Monitoring and Management Plan (AQEMMP) and the AQEMMP report. The AQEMMP that ENR approved in May 2017 states that "DDEC will include the information required under Measure 9-2 from the Report of EA as part of the GHG Management Report. A copy will be reproduced as an appendix in the AQEMMP annual report."</p> |

Report on Implementation of Jay Measures – GNWT 2017 Annual Report

| Discipline | Measure | Text of Measure | Party Responsible | Detail on measure progress for measures assigned in whole or in part to the GNWT. GNWT responses are separated into sections of Measure 13-4. |
|-----------------------|---|---|-------------------|---|
| | | <p>emissions, including but not limited to:</p> <ul style="list-style-type: none"> o 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; o 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, o 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> | | |
| EA Measures Follow-up | 13-4: Annual reporting from government and regulatory authorities | <p>In order to evaluate the effectiveness of mitigation measures for the protection of the environment, each regulatory authority or government that is wholly or partly responsible for implementation of any measure in this Report of EA will prepare an annual Report on Implementation of Jay Project Measures. The Report will:</p> <ol 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 or government 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: <ol 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 of each year, during all phases of the Jay Project to which a particular measure applies, each regulatory authority and government will provide a copy of this annual report to the Review Board.</p> | GNWT, WLWB | The GNWT will provide an annual Report on Implementation of Jay Project Measures directed to GNWT to MVEIRB by July 1 of each year. |