

Our File: EA1314-01
Jay-Cardinal Project

February 24, 2014

To: Parties

**Re: EA1314-01 Jay-Cardinal Project, Dominion Diamond Ekati Corporation
Review comment table transferred from Online Review System**

Please find attached the Review Comment Table for the Jay-Cardinal Project Terms of Reference. This table has been transferred from the Land and Water Boards' Online Review System (ORS).

The Review Board is using the ORS as a tool to bring efficiency and clarity in the review of documents. All information submitted by parties and the developer to the ORS for the Jay-Cardinal Project will be transferred to the Mackenzie Valley Review Board public registry.

The Review Board is transitioning to the use of the ORS and thanks parties and the developer for reviewing the Terms of Reference using this system. A Reference Bulletin on the Review Board's integration of the ORS into the environmental assessment of projects will be prepared in the near future.

The contact for the Jay-Cardinal Project is:

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Review Comment Table

Board:	WLWB
Review Item:	Jay-Cardinal Project Review Board's draft Terms of Reference: MVEIRB (EA1314-01)
File(s):	
Proponent:	Dominion Diamond Ekati Corporation
Document(s):	
Item For Review Distributed On:	
Reviewer Comments Due By:	Feb 10, 2014
Proponent Responses Due By:	Feb 17, 2014
Item Description:	The Mackenzie Valley Environmental Impact Review Board is borrowing the WLWB's Online Review System to assist the MVEIRB with their review of the Review Board's draft Terms of Reference for the Jay-Cardinal Project. This is not a WLWB Review! To access the public registry documents associated with EA1314-01 please follow this link .
General Reviewer Information:	<p>Reviewers are asked to provide comments on the Review Board's draft Terms of Reference for the Jay-Cardinal Project.</p> <p>This draft Terms of Reference is prepared by the Review Board. It is based on comments and responses from December 23, 2013 to Jan 3, 2014 to a preliminary draft Terms of Reference submitted by Dominion Diamonds. The Review Board draft Terms of Reference includes information from Review Board-led community scoping sessions and the technical scoping session held in January 2014.</p> <p>The draft Terms of Reference can be viewed on the Review Board's website. To simplify the compilation of comments and responses to the document, reviewers are asked to use the Online Review System.</p>
Contact Information:	<p>Chuck Hubert 867-766-7052</p> <p>Mark Cliffe-Phillips 867-766-7055</p>

Comment Summary

Dominion Diamond Ekati Corporation (Proponent)				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Response
2	General File	Comment (doc) Cover letter Recommendation		
3	General File	Comment (doc) Alternatives Analysis Methodology Technical Memorandum Recommendation		
4	General File	Comment (doc) Dominion JCP TOR_Response to DKFN_17 Feb 2014 Recommendation		
AANDC: Robert Jenkins				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Response
1	General File	Comment (doc) AANDC cover letter for comments on JCP Terms of Reference Recommendation		
2	Scope of assessment	Comment The developer has indicated that the Project will make use of existing infrastructure. Thus existing infrastructure, and its capacity to prevent future potential impacts to water quality downstream of current processing facilities,	Feb 14: The proponent believes this recommendation is adequately addressed in the draft TOR as currently worded.	Feb 24: Addressed in Section 6.2

		<p>should be considered within the scope of development and assessment. For example, the ability of the Long Lake Containment Facility (LLCF) to manage additional inputs resulting from the Jay-Cardinal project-expansion.</p> <p>Recommendation None</p>		
3	Scope of assessment	<p>Comment The scope for the aquatic environment should include all potentially project-affected water bodies, including those upstream and downstream of the existing and proposed project, as well as Lac de Gras.</p> <p>Recommendation None</p>	<p>Feb 14: The proponent believes this recommendation is adequately addressed in the draft TOR as currently worded.</p>	<p>Feb 24: Addressed in Section 3.4</p>
4	Description of the existing environment Mercury	<p>Comment It is common for mercury levels in water to increase when flooding areas that have not previously been flooded.</p> <p>Recommendation Accordingly, a description of the existing environment should include specific mention of an analysis of baseline mercury levels¹ in the Paul Lake watershed (existing, and proposed new 'upstream' created as a result of dykes and diversion-channeling) the receiving bay of Lac de Gras downstream of Paul Lake</p>	<p>Feb 14: Baseline mercury concentrations for the Paul Lake watershed are available and mercury concentrations are monitored currently under the Ekati site's AEMP. Further, effects from the project on the mercury concentrations in the water and sediment will be evaluated in the assessment. This recommendation is adequately captured in the draft TOR Section 5.1.1, bullet #5 and bullet #13 as currently worded and no additional language is necessary.</p>	<p>Feb 24: Section 5.1.1 bullet #13, point d added for greater clarity regarding baseline mercury</p>

		watershed locations in Lac du Sauvage & Lac de Gras; and the sediments within those water bodies		
5	Description of existing environmentMercury	<p>Comment The Final Terms of Reference should require the developer to forecast the potential increase in mercury and impacts related to new flooding. During the ‘rewatering’ of Lac du Sauvage at closure, a similar situation may occur due to established vegetation in the exposed lakebed</p> <p>Recommendation None</p>	<p>Feb 14: Refer to proponent's response to the AANDC's comment above (Comment #3). As well, the potential effects will be assessed as required in Section 7.3.1.1.</p>	<p>Feb 24: Additional wording added to 7.3.1.1, point 1</p>
6	Description of existing environmentDissolved oxygen	<p>Comment Decomposition of newly submerged vegetation in a ‘flooded’ Paul Lake-watershed may cause a decrease in dissolved oxygen both in the greater Paul Lake watershed and the ‘receiving bay’ of Lac de Gras downstream of the Paul Lake watershed. Specific mention of this in the Final Terms of Reference should appear as a request for an assessment of -the existing levels of dissolved oxygen in the environment (similar to the Paul-Lake-‘upstream’ geographic scope above in 2.1), and -forecast decreases in dissolved oxygen in</p>	<p>Feb 14: This recommendation is adequately captured in the TOR Section 5.1.1, (bullet #5 and bullet #7) as currently worded and no additional language is necessary. As well, the potential effects will be assessed as required in Section 7.3.1.1.</p>	<p>Feb 24: Bullet on dissolved oxygen added to 7.3.1.1, point 2</p>

		<p>the aquatic environments and related impacts to Paul Lake and Lac de Gras A similar phenomenon may occur upon ‘re-watering’ of Lac du Sauvage, with vegetation that may have grown on the exposed lakebed of the dewatered Lac du Sauvage basin. This should be included as line items within the Final Terms of Reference</p> <p>Recommendation None</p>		
7	<p>Description of the existing environment Saline connate groundwater, Lac du Sauvage</p>	<p>Comment Saline connate groundwater sometimes exists beneath ore deposits, and it has been encountered at kimberlite deposits in the North. Saline connate water can interact with and impact surface water quality.</p> <p>Recommendation As such, the Final Terms of Reference should include the volumes and locations of known saline connate water, and discuss the potential for impacts from the saline connate water. This may include an analysis of expected inflow volumes, the baseline water quality of the groundwater, and the potential impacts related to saline connate groundwater management during all phases of the proposed development</p>	<p>Feb 14: This recommendation is adequately captured in the TOR Section 5.1.1, bullet #5 and Sec 7.3.1.1 as currently worded and no additional language is necessary.</p>	<p>Feb 24: 7.3.1.1, replaced point 6 using AANDC wording</p>

8	Ore of Jay pipe	<p>Comment Jay pipe is a fairly large ore body. Thus, it is important to assess how its geology may contribute to potential adverse impacts to water quality downstream of existing processing and management facilities. As part of baseline reporting, specific line items within the Final Terms of Reference should require a geological characterization of the ore body, expected volume by type, as well an assessment of potential impacts related to Jay-pipe ore</p> <p>Recommendation None</p>	<p>Feb 14: This recommendation is adequately captured in the TOR Section 5.1.1, bullet #12 and Section 7.3.1.1 as currently worded and no additional language is necessary.</p>	<p>Feb 24: 5.1.1, bullet #12 added "ore body"</p>
9	Comprehensive water balances	<p>Comment The final Terms of Reference should include the existing water balance data the expected water balance throughout the operational phase of the project, and the water balance expected at closure</p> <p>Recommendation None</p>	<p>Feb 14: This recommendation is adequately captured in the TOR Section 5.1.1, bullet #6 and Section 7.3.1.1 as currently worded and no additional language is necessary.</p>	<p>Feb 24: 7.3.1.2 bullet #8 added requesting description of water balance during all project phases</p>
10	Impact-related questions and comments Lac du Sauvage dewatering phase	<p>Comment How will an increase in flow from the Paul Lake area affect Lac de Gras water quality? How will erosion impact the expanded Paul Lake watershed post-flooding? As it is drawn down, how will the changes to</p>	<p>Feb 14: This recommendation is adequately captured in the TOR Section 7.3.1.1 as currently worded and no additional language is necessary.</p>	<p>Feb 24: 5.1.1 12, d "including bathymetry of Lac du Sauvage" added</p>

		<p>effluent from the Lac du Sauvage de-watering affect Lac de Gras water quality at both discharge points? Ensure that adequate baseline information is provided on de-watering plans and the bathymetry of Lac du Sauvage</p> <p>Recommendation None</p>		
11	Jay-Cardinal operating phase	<p>Comment In the narrows-outflow area, how will a decrease in the flow affect the water quality of Lac de Gras? If lake levels drop in the southern portion of Lac du Sauvage, what could be the effects to Lac de Gras from potential interruption of flows from the narrows area of Lac de Gras? What is the potential for flow interruption? Given the discharge from the Jay-Cardinal Project will greatly change flow patterns into Lac de Gras, what are the effects to Lac de Gras from changing the flow pattern? Would the introduction of 'problematic' parameters in Jay-Cardinal pipe geology affect the Long Lake Containment Facility (or lakes downstream from it) to a degree that it could affect downstream water quality? What changes to aquatic nutrients will occur in the flooded/expanded</p>	<p>Feb 14: This recommendation is adequately captured in the TOR Section 7.3.1.1 as currently worded and no additional language is necessary.</p>	<p>Feb 24: 7.3.1.1 point 4, "including estimated volume of water remaining in undrained portions of Lac du Sauvage during mine operations" added The other recommendations are adequately addressed</p>

		<p>Paul Lake watershed? Does the Long Lake Containment Facility have the capacity to be a tailings facility for the proposed development? Do other pits? If other pits are used, detailed information regarding the capacity of these pits to achieve a stated purpose is required. What is the volume of water that will remain in the deepest basins of Lac du Sauvage? Will these ‘ponds’ serve a purpose during operation (i.e. as sumps)? What will be the water quality and quantity of these ponds during operation? What are lessons learned from the management of Misery development that can apply to the management of the Jay-Cardinal Project?</p> <p>Recommendation None</p>		
12	Re-watering phase	<p>Comment What are the potential impacts to water quality and quantity resulting from ‘rewatering of Lac du Sauvage’?</p> <p>Recommendation None</p>	<p>Feb 14: This recommendation is adequately captured in the TOR, specifically Section 7.3.1.2 and Section 12 as currently worded and no additional language is necessary.</p>	<p>Feb 24: Adequately addressed in 7.3.1.2</p>
13	Closure	<p>Comment What is the expected habitat suitability of Lac du Sauvage at closure? What conditions must be met to avoid significant adverse impacts from</p>	<p>Feb 14: This recommendation is adequately captured in the TOR, specifically Section 7.3.1.2 and Section 12 as currently worded and no additional language is necessary.</p>	<p>Feb 24: Addressed in 7.3.1.1, 7.3.1.2 and Section 12</p>

		<p>reconnecting Lac du Sauvage to Lac de Gras (if reconnection selected)? Can the proponent describe the sequence of events for dam/dyke removal and associated potential impacts? How would the potential development of meromictic conditions in the Jay pit affect the long-term water quality of Lac du Sauvage after re-watering? What are the expected short-terms and long-term impacts regarding meromixis? At closure, what is the anticipated ecosystem description of Lac du Sauvage and Lac de Gras?</p> <p>Recommendation None</p>		
14	Assessment of alternatives	<p>Comment AANDC agrees that an Assessment of Alternatives is appropriate as a Key Line of Inquiry, especially regarding a feasibility examination of Diavik-style dykes. AANDC notes that the Final Terms of Reference should maintain as a priority the comparison of environmental impacts between alternatives.</p> <p>Recommendation None</p>	<p>Feb 14: The proponent would like to clarify that a full environmental assessment will not be conducted for all of the alternatives considered; a full environmental assessment will be conducted on the identified preferred option. However, the various alternatives will be assessed to determine, in a transparent manner, what is the preferred alternative and why.</p>	<p>Feb 24: Comments acknowledged</p>
15	Key lines of inquiry	<p>Comment AANDC supports the Review Board's selection of Key Lines of Inquiry and suggests</p>	<p>Feb 14: None</p>	<p>Feb 24: Comment acknowledged</p>

		maintaining the list as proposed in the draft Terms of Reference Recommendation None		
16	Concordance table	Comment To facilitate the efficient participation of parties in this environmental assessment, AANDC suggests that the Review Board require page numbers in the concordance-table section of the Final Terms of Reference. This will assist all parties in meeting the Review Board's deadlines while fostering a thorough analysis of the large amount of material in the Developer's Assessment Report Recommendation None	Feb 14: The proponent would like to point out that providing page numbers rather than just section and/or subsection numbers within the concordance table will be very onerous and results in a significant amount of work because even minor edits made right up to the final submission will effect the page numbering of the whole document. In addition, many elements identify will cross multiple pages and the proponents will already be required to review the sections or subsections noted, regardless of specific page numbers. With the table of contents (which will be automated and provide page numbers) in combination with the concordance table (which will provide a section and/or subsection directory), we do not anticipate the reviewers will have any difficulty locating the pertinent information.	Feb 24: Sections and subsections in concordance table are sufficient. No changes made.
17	Importance of assessing cumulative effects General comment	Comment Given the significant existing mine development in the region, Lac de Gras is already experiencing measureable limnological changes as a result of these operations. Further, the project area is an important part of the Bathurst Caribou range. AANDC supports the Board's inclusion of a robust cumulative effects assessment within each Key Line of Inquiry. This	Feb 14: The proponent believes this recommendation is adequately addressed in the draft TOR as currently worded.	Feb 24: Cumulative effects assessment required for key lines of inquiry and subjects on note

		Appendix provides suggestions that would lead to a robust cumulative effects assessment. Recommendation None		
18	Scoping for cumulative effects	Comment Cumulative effects can impact valued components at regional and local scales. AANDC supports a regional approach to assess cumulative effects, and where valued components are assessed at appropriate scale. This has occurred in previous environmental assessments. For example, in response to concerns on water quality, the 1999 Comprehensive Study for the Diavik Diamond Mine stated The regional study area was selected to present effects in a regional context which is most appropriate for assessing effects on fish populations in Lac de Gras and water quality in Lac de Gras as a whole. Given concerns raised, the regional study area was expanded to include the Coppermine River and the Echo Bay winter road for assessment of potential cumulative effects (Pg 70) Recommendation The scope of development, scope of assessment, and geographic scope	Feb 14: The proponent believes this recommendation is adequately addressed in the draft TOR as currently worded.	Feb 24: Adequately addressed in Section 3.4

		in the Final Terms of Reference should be at the appropriate scale for each valued component. Table 1 provides some suggestions on the geographic scale for some of the valued components. (see Table 1)		
19	Cumulative effects methodology	<p>Comment Scenario analysis is one approach to assess cumulative effects. Through the use of scenarios, the costs and benefits of different scenarios can be compared by parties in order to assess the trade-offs between valued components and development. This approach ultimately leads to well-informed resource management decisions. At the January 8th technical scoping session, AANDC committed to provide the following two documents as examples of scenario analysis for the Board's consideration. Nobel (2008) is an example of where a scenario analysis was carried out, and Holroyd et al. (2007) is an example of how it might occur when assessing a proposed development in the NWT. While there are methodological differences between these references, they are provided as</p>	<p>Feb 14: Scenario analysis would be most appropriate for Land Use Planning and Management, which should be led by the government and involve multiple parties (other developers, communities and people). Input from stakeholders is a critical part of the process for developing scenarios for strategic planning and resource management. It should not be the sole responsibility of one project (developer), but include all developers, communities and the government. The analysis is particularly suited for induced projects from a development (e.g., a pipeline that induces several future oil and gas facilities that feed into the line and other infrastructure) and/or an known area of highly likely development (e.g., large land lease). This increases the certainty of the type, size and location of developments that can contribute to cumulative effects. Mining developments typically do not induce the development of other mines in terms of type, size and location, particularly in large remote areas such as the NWT. An all-season road may be an exception, but this project is not that case. An all-season road would still not allow for confident predictions of type, size and location of a mineral development. This analysis also produces</p>	<p>Feb 24: The Board thanks AANDC for providing these documents. They are located on the MVRB public registry</p>

		<p>examples where inclusion of scenario analysis is beneficial during the assessment phase</p> <p>Recommendation None</p>	<p>uncertainty by creating "what if" projections of different possible futures. The point of the EA for a project is to reduce and manage uncertainty so that we can make confident and ecologically relevant impact predictions, and facilitate the decision-making process (for a project). The CEA for the Project can provide input into a scenario analysis, which should be used to help develop regional land and resource use plans and management strategies.</p>	
20	Aquatic cumulative effects	<p>Comment The cumulative effects assessment should include an assessment of which biological indicators will be measured to indicate potential impacts from the proposed development. For example, Diavik Diamond Mine's 2012 AEMP reported a nutrient enrichment effect in Lac de Gras, with increases above reference sites in chlorophyll a and zooplankton. Ekati's 2012 AEMP reported a change in the density of phytoplankton in Lac de Gras. Given this existing evidence, it is reasonable to predict that there may be further nutrient enrichment in Lac de Gras as a result of the Jay-Cardinal project. Monitoring the existing plankton and benthic invertebrates would be the first step in determining if the enrichment is increasing above current levels and affecting</p>	<p>Feb 14: The proponent expects that the indicators in the annual reports and evaluated in the environmental impact reports for Ekati and other developments in the area potentially influenced by the Jay-Cardinal Project will be represented by the assessment and measurement endpoints in the DAR. We believe this recommendation is adequately addressed in the draft TOR as currently worded.</p>	<p>Feb 24: Sections 7.3.1 and 7.3.2 include a cumulative effects assessment</p>

		<p>biota within Lac de Gras</p> <p>Recommendation The Final Terms of Reference should require a specific assessment of how the proposed development might affect the indicators discussed in the annual reports from existing developments. The cumulative effects assessment for water quality and quantity and/or fish and fish habitat may be the most appropriate section to compare this information</p>		
21	General considerations of external effects	<p>Comment External effects are environmental factors that are outside of the control of the Developer, but form part of the existing environment that contributes to overall effects on the local environment. For example, air emissions from other operators, or climate-related phenomena There is very limited long-term, northern environmental data to inform cumulative effects assessments. However, the Developer should be responsible for making reasonable and conservative assumptions about external effects. Appropriately defining external effects, and including them in an effects assessment,</p>	<p>Feb 14: In the cumulative effects assessment natural and human-related factors will be considered; where possible a quantitative assessment will be provided and as necessary a qualitative one. We believe this recommendation is adequately addressed in the draft TOR as currently worded.</p>	<p>Feb 24: Instructions for cumulative effects assessment are adequately addressed</p>

		<p>will ensure that all past, present, and reasonably foreseeable future developments are accounted for in the environmental assessment, and the precautionary principle is followed with respect to estimating potential external effects</p> <p>Recommendation The Final Terms of Reference should specify that reasonable and conservative assumptions about external effects will be included in the cumulative effects assessment. The Final Terms of Reference should also require that the cumulative effects assessments consider the interacting effects of multiple stressors on valued components.</p>		
22	Climate warming	<p>Comment Climate warming has caused documented changes in valued components in the project region over the last 30 years. Predicted impacts to valued components may be further influenced by climate warming, especially from a cumulative effects perspective.</p> <p>Recommendation The Final Terms of Reference should require the cumulative effects assessment (of the project and</p>	<p>Feb 14: The proponent believes this recommendation is adequately addressed in the draft TOR as currently worded, specifically in Section 9.</p>	<p>Feb 24: Climate change impacts discussed in Section 9</p>

		other development-related effects) to incorporate both documented and predicted environmental changes related to climate warming		
23	Standard monitoring protocols	<p>Comment To ensure this project review is examined in light of past and future information collected, AANDC recommends the Developer should adopt data collection and analysis protocols for monitoring that correspond with those already in use in the region and/or the territory</p> <p>Recommendation The Final Terms of Reference should discuss common data collection and analysis protocols for monitoring that correspond with those already in use in the region and/or the territory</p>	<p>Feb 14: The proponent recognizes that in addition to ensuring that data are collected through best known practices, the data collection must also be conducted in a manner that provides for relevant comparison to the available baseline data. We believe this recommendation is adequately addressed in the draft TOR as currently worded.</p>	<p>Feb 24: Adequately addressed in Section 7.5 and Appendix B</p>

CanNor NWT Region: David Alexander

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Response
1	DFO-1 Section 3.4- Geographic Scope (Page 11)	<p>Comment Item 3 on the list doesn't mention Duchess Lake and upstream waterbodies that can be impacted by the project.</p> <p>Recommendation DFO recommends that Duchess Lake, upstream waterbodies that can be impacted by the project (e.g. fish</p>	<p>Feb 14: None</p>	<p>Feb 24: Section 3.4 Duchess Lake and upstream waterbodies added</p>

		migration) be added to the list.		
2	DFO-2 Biophysical environment point 7 (Page 16)	<p>Comment 7.a says: fish bearing water bodies that the Project may affect, including downstream to the extent of potential impacts including a reasonable neighbouring area of Lac du Gras. DFO would like to confirm that this covers upstream waterbodies impacted by the project.</p> <p>Recommendation DFO would like to confirm that upstream waterbodies are covered by this statement.</p>	Feb 14: None	Feb 24: Section 5.1.1 point 7 "upstream" added
3	DFO-3 Biophysical environment point 13 (Page 18)	<p>Comment 13 b says: shoreline characterization of Lac du Sauvage, Duchess Lake and other areas to be flooded or affected by flooding. There is no mentioned about the shoreline characterization of waterbodies that could be affected by the dewatering of Lake du Sauvage.</p> <p>Recommendation DFO recommends adding the characterization of shoreline of waterbodies impact by the dewatering of Lake du Sauvage.</p>	Feb 14: None	Feb 24: Section 5.1.1 point 13, "or other waterbodies impacted by the dewatering of Lac du Sauvage" added
4	DFO 4 Section 7.3.2 Impacts to fish and fish habitat from project components	<p>Comment The first bullet under the second paragraph says: water quantity (water discharge, water diversion, and winter withdrawal</p>	Feb 14: None	Feb 24: Section 7.3.2 "but not limited to" added

	(page 26)	<p>from surface water bodies) and water quality (including, suspended solids, dissolved oxygen content, pH, and the concentration of metals, ammonia, and nutrients). These looks like definite element and not example. In the water quantity there is no mention about dewatering, flooding, velocity and in the water quality section there is no mention about water temperature and transparency.</p> <p>Recommendation DFO recommends that example be given and not limited to. Also, DFO recommends that in the water quantity, the following element be added, but not limited to: dewatering, flooding, velocity. In the water quality, water temperature and transparency should be added, but not limited to.</p>		
5	DFO-5 Section 7.3.2 Impacts to fish and fish habitat from project components (page 27)	<p>Comment It is mentioned that the developer will prepare a conceptual fish habitat compensation plan in consultation with communities and Fisheries and Oceans Canada. This document has been replace with the Offsetting Plan. Also, there is no mention about the dewatering</p>	<p>Feb 14: Agree with the minor modifications to wording regarding the off-setting plan. With respect to the dewatering plan, the proponent would like to clarify that a "conceptual dewatering plan" will be included in the DAR. A detailed dewatering plan will be part of Detailed Design work, which will not be developed at the time of DAR submission; however, this additional detail would be available as part of the permitting</p>	<p>Feb 24: Section 7.3.2 fish habitat compensation plan changed to "offsetting plan" Section 7.3.1.2 - Requirement for a conceptual dewatering plan</p>

		<p>plan. Recommendation DFO recommends that the fish habitat compensation plan be replaced with the offsetting plan. DFO recommends adding the dewatering plan to the list.</p>	process.	added (bullet 1)
6	<p>EC-1 Section 3.2.3 Key lines of Inquiry (Page 9)</p>	<p>Comment General editorial: "Key lines of Inquiry are areas of the concern that have been." Recommendation Remove 'the'</p>	Feb 14: None	Feb 24: Edit made
7	<p>EC-2 Section 5.1.1 Biophysical environment (Page 15, item 5)</p>	<p>Comment The list of parameters was not organized as suggested in previous comments by Environment Canada (EC). The list could be more efficiently expressed. DDEC did not object to EC's previous clarification. Recommendation EC recommends the bullets be organized as follows: Metals (total and dissolved - full suite, including mercury) Physicals (pH, conductivity, turbidity, hardness, alkalinity) Dissolved oxygen Total suspended solids Total dissolved solids Major ions (chloride, calcium, sulphate, fluoride) Total inorganic and organic carbon Nutrients (phosphorus - total, dissolved and orthophosphorus; ammonia,</p>	Feb 14: None	Feb 24: Section 5.1.1 #5, Bullets organized as requested by EC

		nitrate, nitrite, TKN) Hydrocarbons		
8	EC-3 Section 5.1.1 Biophysical environment (Page 16, item 6)	Comment Item 6 was not changed to capture effects associated with changes to water quantity. "...water quantity, with sufficient data to capture spatial and temporal variation. To this end provide watershed boundaries, including groundwater and surface drainage patterns..." Recommendation DDEC did not object to EC's clarification to add "and surrounding water bodies likely to experience changes to water quantity due to the Project." at the end of the sentence. EC recommends making this clarification.	Feb 14: None	Feb 24: Section 5.1.1 #6, clarification added to sentence as requested by EC

Deninu K'ue First Nation: Louis Balsillie

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Response
1	General File	Comment (doc) Comments from Deninu Kue First Nation on Terms of Reference Recommendation		

Dominion Diamond Ekati Corporation: Nicole Spencer

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Response
1	Section 3.2.1 Valued	Comment Regarding this section		Feb 24: Heading

	ecosystem components	<p>clarification is required. The section heading indicates that valued ecosystem components will be discussed, then in the paragraph text it is indicated that social, economic, and cultural values were to be outlined; however, the bullets only list biophysical components.</p> <p>Recommendation For clarity it is recommended that the heading be changed to Valued Components and that both Valued Ecosystem Components and Valued Socio-Economic Components be listed or a separate subsection for VSEs be created.</p>		<p>changed to valued components in order to include both biophysical and socio-economic components in this section</p>
2	Section 3.2.1 Valued ecosystem components	<p>Comment The list of valued components presented does not reflect the list that has been developed and vetted by Dominion with potentially-impacted communities through 15 years of on-going engagement. Dominion acknowledges that the assessment will consider impacts to all of the biophysical components listed in the current draft Terms of Reference. It would, however, be preferred if the recognizable list of valued components be used, which was presented in the Project</p>		<p>Feb 24: List of valued components revised to reflect the list presented in the developer's Project Description</p>

		<p>Description. Further, accommodating this recommendation would also avoid confusion with environmental components, such as eskers, which themselves will not have independent subsections within the Developer's Assessment Report. For example, effects to esker habitat will be discussed within the various wildlife habitat subsections.</p> <p>Recommendation It is recommended that the list of valued components presented in the Project Description be carried forward into the Terms of Reference.</p>		
3	Section 3.4 Geographic scope; page 11; point 3	<p>Comment Suggest a minor editorial correction of changing Lac du Gras to Lac de Gras.</p> <p>Recommendation None</p>		Feb 24: Edit made
4	Section 3.4 Geographic scope; page 11; point 5	<p>Comment Suggest a minor editorial correction of changing Lac du Gras to Lac de Gras.</p> <p>Recommendation None</p>		Feb 24: Edit made
5	Section 4.2 Developer's opinion of significance of impacts	<p>Comment In relation to the following statement "If a determination is made that significant adverse impacts are not likely, the developer will provide a narrative statement that</p>		Feb 24: Text added "It is acknowledged that quantitative thresholds for all components may not be feasible."

		<p>identifies what the threshold for significance would be." The proponent can comply with the request that a narrative statement be provided, however, a quantitative thresholds will not be appropriate for all disciplines.</p> <p>Recommendation It is recommended that it be acknowledged that discussing quantitative thresholds for all valued components would not be feasible.</p>		
6	<p>Section 4.2 Developer's opinion of significance of impacts</p>	<p>Comment In relation to the following statement "Where the developer is aware of differential impacts on various parties or differences in views of the significance of potential impacts from this Project, the developer should describe these differences." The proponent would like to point out that how various parties view the predicted impacts from the project would not be available for consideration until after the Developer's Assessment Report is submitted for review. Further, the proponent feels it is inappropriate to representing the views or perspective of other parties and that this should not be a</p>		<p>Feb 24: Section 4.2 The Board agrees with Dominion and has removed that sentence</p>

		<p>requirement of the TOR.</p> <p>Recommendation It is recommended that the request to have the developer provide a statement regarding the interpretation of the potential effects by other parties be removed from the Terms of Reference.</p>		
7	Section 5.1.1 Biophysical environment; point 2	<p>Comment The proponent would like to point out that PM10 through a scientific evolution of methodology is no longer required for an environmental assessment and has been accepted and broadly disseminated through recent guideline changes.</p> <p>Recommendation It is recommended that it be recognized, by removal from the Terms of Reference, that PM10 is no longer a required air quality parameter to be assessed and monitored.</p>		<p>Feb 24: PM10 is retained in this section for baseline data collection only. The developer may determine not to conduct an effects assessment for PM10 provided rationale is provided.</p>
8	Section 5.1.1 Biophysical environment; point 2	<p>Comment The proponent would like to clarify that dioxin and furan monitoring is outside the scope of the current air monitoring program at the licenced Ekati Mine. Further, the expansion project does not introduce any additional potential</p>		<p>Feb 24: No change. Multiple parties recommended including dioxins and furans in baseline and the effects assessment.</p>

		sources to be monitored. Recommendation It is recommended dioxins and furans be removed from the list of ambient air quality parameters to be discussed in the Developer's Assessment Report.		
9	Section 5.1.1 Biophysical environment; page 18; point 13c	Comment The proponent would like to clarify that dioxin and furan contamination has not been identified as a concern for any site-specific activities at the Ekati Mine, as such dioxin and furan data has not been collected as part of the on-going baseline data collection. The proponent is not opposed to contributing to a regional investigation pertaining to dioxin and furan contamination; however, we do not feel that this is appropriate as a requirement in the Terms of Reference for this project. Recommendation It is recommended dioxins and furans be removed from the list of parameters of concern identified for the study area in relation to assessing potential project effects and to be discussed in the Developer's Assessment Report.		Feb 24: No change. Multiple parties recommended including dioxins and furans in baseline data collection and the effects assessment.
10	Section 5.1.2 Human	Comment The proponent would		Feb 24: Text

	environment; page 18 point 19	<p>like to point out that there would be very limited data available to accommodate the request that the assessment take "into account socio-economic conditions prior to the Ekati mine" and this likely will not be meaningful. Monitoring of the human environment and the identification of meaningful measurement indicators evolved after the establishment of mining activities in the region.</p> <p>Recommendation It is recommended that the assessment requirement of "taking into account socio-economic conditions prior to the Ekati mine" be removed.</p>		removed as recommended.
11	Section 6.3 Development phase and schedule	<p>Comment In the last bullet in this subsection (Development phase and schedule) it is stated that the overall capital and operations cost of the project should be identified. This requirement is out of place within the TOR. The capital cost and operating cost information relevant to assessing the project will be provided as necessary in the socio-economic subsection within the human environment section and within the project alternatives section.</p>		Feb 24: Section 6.3 last bullet removed as requested by Dominion

		<p>Recommendation It is recommended that the last bullet pertaining to the identification of "the overall capital and operations cost of the project" should be removed.</p>		
12	Section 7.2 Cumulative effects	<p>Comment "The developer will conduct a scenario analysis of relative and potentially important projects in its cumulative effects assessment using both quantitative and qualitative methods". As noted in the proponent's response to AANDC Comment #19 we do not believe Scenario analysis is appropriate for inclusion in the TOR. Scenario analysis would be most appropriate for Land Use Planning and Management, which should be led by the government and involve multiple parties (other developers, communities and people). Input from stakeholders is a critical part of the process for developing scenarios for strategic planning and resource management. It should not be the sole responsibility of one project (developer), but include all developers, communities and the government. The analysis is particularly suited for induced</p>		<p>Feb 24: The scenario analysis was not included to determine what developments the proposed project would induce. There are other reasons for a scenario analysis. In this case, it is appropriate to examine what the cumulative impacts of the proposed project would be given reasonable future projections for other developments in the Bathurst caribou herd range. For example, the proposed projects' likely cumulative impacts to caribou will depend on</p>

		<p>projects from a development (e.g., a pipeline that induces several future oil and gas facilities that feed into the line and other infrastructure) and/or an known area of highly likely development (e.g., large land lease). This increases the certainty of the type, size and location of developments that can contribute to cumulative effects. Mining developments typically do not induce the development of other mines in terms of type, size and location, particularly in large remote areas such as the NWT. An all-season road may be an exception, but this project is not that case. An all-season road would still not allow for confident predictions of type, size and location of a mineral development. The analysis produces uncertainty by creating “what if” projections of different possible futures. The point of the EA for a project is to reduce and manage uncertainty so that we can make confident and ecologically relevant impact predictions, and facilitate the decision-making process (for a project). The CEA for the Project can provide input into a scenario analysis, which</p>		<p>what other developments in the caribou range are affecting those same caribou. Because those projections are uncertain, a range of reasonable scenarios (eg. high level of development, low level of development, and existing trend) should represent the context into which the project is proposed.</p>
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		<p>should be used to help develop regional land and resource use plans and management strategies.</p> <p>Recommendation It is recommended that the paragraph pertaining to the scenario analysis be removed from the TOR.</p>		
13	<p>Section 7.3.2 Impacts to fish and fish habitat from project components; page 27</p>	<p>Comment The proponent would like to point out that the last bullet in the list at the top of page 27, "re-establishment of the aquatic ecosystem in Lac du Sauvage after mine operations are completed and water quality in the re-filled lake is acceptable for re-connection to the upstream and downstream watersheds", is out of place within the TOR document.</p> <p>Recommendation It is recommended that the text in question be moved to Section 12 Closure and reclamation and that it be its own item. Further, to be more meaningful it is suggested that it state " describe the expected processes that will occur related to re-establishment of the aquatic ecosystem."</p>		<p>Feb 24: Text retained in Section 7.3.2 and added to Section 12, Closure and Reclamation, point 9</p>
14	<p>Section 7.3.3 Impacts to caribou from the project components</p>	<p>Comment The proponent would like to clarify that the list of non-direct disturbance effects (fugitive dust and air emissions; site water</p>		<p>Feb 24: Bullet #3: Text re-phrased to indicate an additive assessment of</p>

		<p>release, water management, dewatering, flooding and diversion; noise pollution; light pollution; vehicle traffic onsite access roads and Misery Road; and the power line along the Misery Road) would not be assessed independently but to be more meaningful will be assessed additively.</p> <p>Recommendation It is recommended that the text be rephrased to indicate that an additive assessment of all the indirect effects would be completed.</p>		indirect effects
15	Section 7.3.4 Analysis of Alternative Means	<p>Comment The proponent would like to propose changes to the text pertaining to the methodology for the project alternatives analysis in order for it to be less prescriptive and allow for the assessment to be more inline with other assessments recently completed within the region. For example, a focus on mitigation is not typical in the analysis of alternatives section. For further information please refer to the attached technical memo Alternatives Analysis Methodology for the Jay-Cardinal Project.</p> <p>Recommendation It is</p>		<p>Feb 24: Receipt of Alternatives Analysis Methodology Technical Memorandum acknowledged. Changes to text made to section as recommended by DDEC.</p>

		<p>recommended that the following text changes be integrated. "The MVRMA requires the Review Board to consider the potential impacts from alternatives to a proposed development. Accordingly, the developer may present the most probable alternatives to the proposed development description and potential impacts stemming from their potential adoption, and suggested mitigation. The DAR will include an analysis of alternative means of carrying out the project which takes into account the multiple accounts⁴ method as described by Robertson and Shaw (2004) and will also consider alternative analysis reports which have been recently conducted to support project applications for the Gahcho Kue Project (DeBeers 2012) and the Meliadine Gold Project (AEM 2013). analysis of the alternative means of carrying out the project as identified below. The consideration of alternatives (i.e., the multiple accounts analysis) should include technical feasibility, an economic viability (e.g., analysis of capital and</p>		
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		<p>operating costs and scheduling), social economic considerations (e.g., anticipated employment and other socio-economic benefits), and assessment of the environmental impacts considerations of each alternative. The alternatives analysis must be consistent, transparent and robust. The DAR should provide a rationale and justification for the developer's preferred alternative that considers trade-offs and analysis required above. The developer will describe the alternative methods for carrying out the components of the development including:</p> <ul style="list-style-type: none">• a description of the alternative methods considered, how or why they are not technically and/or economically feasible, and the rationale for rejecting any alternatives that are excluded from further assessment• the criteria and rationale for selecting the preferred alternative methods <p>The multiple accounts analysis will be conducted for the mining method, for example:</p> <ul style="list-style-type: none">• Diavik-style ring dyke construction to access the open pits with an access causeway to shoreline		
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		<p>without drawdown of Lac du Sauvage • alternative drawdown, diversion and pumping scenarios • underground mining methods</p> <p>Once the overall mining method is identified, The alternatives means for the following mine components will be considered of carrying out the project to be are as follows: • alternative waste rock storage areas and pit backfilling options; • alternative energy sources and conservation methods; and, • alternative road alignments to minimize caribou disturbance and barriers to movements. The developer will indicate how community engagement and traditional knowledge have influenced the determination of the selected alternative described in its DAR."</p>		
16	Section 7.4.2 Impacts to Landscape	<p>Comment The proponent would like to point out that the original intent of this subsection (Landscape) of the proposed Developer's Assessment Report is no longer apparent in light of the Key Lines of Inquiry and Subject's of Note identified in the Terms of Reference. To meet the required standalone sections as outlined in the Terms of</p>		<p>Feb 24: 7.4.2 Landscape subject of note removed and replaced with: Impacts to vegetation. Indirect impacts included in 7.3.3, caribou, 7.4.3, wildlife and 8.2, culture</p>

		<p>Reference the information to be presented in this subsection will be reiterated time and time again within the text (soils/vegetation, wildlife, caribou, etc.). Therefore, we now see this adding unnecessary redundancy and complexity to the framework of the Developer's Assessment Report. As such, it is now recognized that it would better serve the readability and transparency of the overall report if the SON was changed to vegetation.</p> <p>Recommendation It is recommended that the SON of Landscape be removed as a standalone section as the various indirect effects are carried forward in the assessment of other valued components. Further, to add complexity these indirect effects are interpreted in a valued component dependent manner, thus having this identified as a standalone section will create a greater level of complexity and redundancy. However, in the absence of this section it is recognized that the effects to vegetation will be absent from the Terms of Reference. To thus</p>		
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		ensure that effects to vegetation are adequately assessed, it is recommended that the SON - impacts to vegetation from project components be added.		
17	Appendix B	<p>Comment The proponent would like to point out that the addition to the list of guidelines in Appendix B of Measures to Avoid Causing Harm to Fish and Fish Habitat may not be appropriate as this is not a guidance document. http://www.dfo-mpo.gc.ca/pnw-ppe/measures-mesures/index-eng.htm. However, the proponent acknowledges the DFO recommendations put forth in this release as well as the associated guidance documents. http://www.dfo-mpo.gc.ca/pnw-ppe/fpp-ppp/guide-eng.html.</p> <p>Recommendation It is recommended that it be clarified that the Measures to Avoid Causing Harm to Fish and Fish Habitat is not a guideline document. Should they remain in Appendix B list, then an appropriate reference to them should be provided so all parties can locate them.</p>		Feb 24: Bullet removed as it is not a guideline document

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Response
5	General File	<p>Comment (doc) 02-10-14 - Letter GNWT to MVEIRB - JCP - Comments on Draft TOR</p> <p>Recommendation</p>		
1	Impacts to caribou: description of affected caribou populations	<p>Comment Given the wide ranging nature of barren-ground caribou populations and the possible multiple interpretations of the concept of "local," some clarity is required regarding what we mean by "local population." Using "local population" could be interpreted to refer to only those caribou passing within the direct local study area, which would not constitute a population per se. As such, evaluation of potential population-level impacts and cumulative effects could be too narrow.</p> <p>Recommendation 1) Change the following in the last sentence of the first paragraph in section 7.3.3: "DDEC must describe the impacts to local caribou population(s) from the following Project sources, both in isolation and collectively [] to DDEC must describe</p>	<p>Feb 14: The proponent believes this recommendation is adequately addressed in the draft TOR as currently worded.</p>	<p>Feb 24: Section 7.3.3 text added as recommended by GNWT</p>

		<p>the impacts to caribou herds that interact with the Project from the following Project sources, both in isolation and collectively</p>		
2	<p>Impacts to caribou energetics and approach to cumulative effects assessment</p>	<p>Comment Analysis of how the impacts of development affect the energy and protein balance of caribou can help to predict herd-level responses such as changes in birthrate and calf survival. When scaled up to include responses to other human and natural disturbances, an energetics approach can be useful for assessing cumulative effects (CE). While a basic, habitat-based approach in CE assessment for wildlife "subjects of note" may be warranted given the availability of data for most of these species, the GNWT is of the opinion that, given the level of effort required for a "Key Line of Inquiry," a more substantial approach to CE assessment is required, including an energetics component, habitat component and population component.</p> <p>Recommendation 1) Append the following phrase to the end of the second bullet in section 7.3.3 regarding potential impacts to</p>	<p>Feb 14: The proponent believes this recommendation is adequately addressed in the draft TOR as currently worded.</p>	<p>Feb 24: Section 7.3.3 text added as recommended by GNWT</p>

		<p>caribou movements and migration: including how this might affect the energy and protein balance of caribou moving through the region; affect caribou access to preferred habitats; and affect caribou exposure to predators.</p> <p>2) Add a new bullet in section 7.3.3 that states, "An analysis of the ways the Project may influence the energy and protein balance of caribou under different seasonal conditions, and to what extent this may affect population demographics. The analysis must include potential behavioural changes resulting from Project components or associated activities, including sensory disturbance, foraging impacts, rest, and caribou movements in the development area and region."</p> <p>3) Add a new bullet in section 7.3.3 that states, "Cumulative effects assessment approach for caribou must include an energetics component, habitat component, and population component consistent with the current state of cumulative effects assessment of barren-ground</p>		
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		caribou.ÃçÂ€Â]		
3	Impacts to wildlife of lakebed crossing	<p>Comment GNWT ability to assess the Project for impacts related to wildlife crossing the dewatered lakebed would be enhanced by a specific mention of what the lakebed will look like over time from a wildlife perspective (i.e., in the relevant sections of the DAR), and by identifying hazards, negative impacts and possible mitigations.</p> <p>Recommendation 1) Replace the seventh bullet in section 7.3.3 to ÃçÂ€ÂDDEC will describe the expected substrate of the dewatered lakebed and how it might change over time, analyze possible hazards or impacts to caribou crossing the dewatered lakebed, and describe any mitigations for eliminating or reducing risk.ÃçÂ€Â 2) Add a new bullet to section 7.4.3 that states, ÃçÂ€ÂThe dewatered lakebed including potential hazards or implications from wildlife crossing the dewatered lakebed, and any mitigations for eliminating or reducing such risk.ÃçÂ€Â]</p>	<p>Feb 14: The proponent believes this recommendation is adequately addressed in the draft TOR as currently worded.</p>	<p>Feb 24: Section 7.3.3 and 7.4.3 text added as recommended by GNWT</p>
4	Amendments to	<p>Comment Any changes to be</p>	<p>Feb 14: As these guidelines are currently draft, we</p>	<p>Feb 24: Section 7.5</p>

<p>Wildlife Plans and Programs</p>	<p>made to DDEC's wildlife related plans and programs will need to be consistent with the GNWT's "Draft Wildlife and Wildlife Habitat Protection Plan and Wildlife Effects Monitoring Program Guidelines." Please find these guidelines attached to this cover letter.</p> <p>Recommendation 1) To the second set of bullets in section 7.5, add the following bullet: "A framework for new plans, or for amendments to existing wildlife related plans, which specifically details the proposed changes to current plans and any revisions that might be required to make such plans consistent with draft guidelines."</p> <p>2) Add the following under the section dedicated to the Government of the Northwest Territories in Appendix B (Guidelines for Monitoring and Management Programs): "Draft Wildlife and Wildlife Habitat Protection Plan and Wildlife Effects Monitoring Program Guideline." Note that an updated version of this guideline will be released in the future; as</p>	<p>do not feel they are appropriate for inclusion as a requirement of the Terms of Reference. When such guidelines are issued as final, they would be followed by the proponent, as would be required by other NWT developments.</p>	<p>text added as recommended by GNWT Appendix B Guidelines added even though they are in draft form. DDEC is invited by GNWT to participate in the further development of the Guidelines</p>
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		such, the developer should maintain contact with Ms. Andrea Patenaude, Wildlife and Environmental Assessment Biologist, at (867) 920-6487 or at andrea_patenaude@gov.nt.ca. Appropriate stakeholders (e.g., DDEC, Aboriginal groups) have been, and will continue to be, engaged throughout the development of this guideline.		
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Independent Environmental Monitoring Agency: Kevin O'Reilly

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Response
1	1.2 Referral to Environmental Assessment, top of page 4	Comment "The kimberlite would be processed at the existing Ekati processing plant, which is approximately 25 km north of the proposed Project site and approximately 150 km east of the community of Wekweti." It would be more correct to indicate that the processing plant is northwest of the Project site than north. Recommendation Replace "north" with "northwest".	Feb 14: None	Feb 24: edit made
2	s. 1.2 Referral to Environmental Assessment, top of page 4	Comment "In October 2013, the Wek'eezhii Land and Water Board received applications for a Type A Land Use Permit W2013L2-0002 and a Type A Water Licence W2013D-0007 for	Feb 14: None	Feb 24: edit made

		the Jay-Cardinal Project." The application numbers appear to have been switched. Recommendation Switch the Land Use Permit and Water Licence application numbers.		
3	2.3 Public Engagement, top of page 6	Comment "to incorporate traditional knowledge from Aboriginal culture holders as a tool to collect information on and evaluate the specific impacts required in this Terms of Reference." In other parts of the Terms of Reference, Traditional Knowledge is capitalized. Recommendation Use consistent capitalization of the term "Traditional Knowledge".	Feb 14: None	Feb 24: changes made for consistency (lower case)
4	2.4 Summary Points, bullet 1, page 7	Comment "1. Plain language, non-technical summaries of the Developer's Assessment Report in English, Chipewyan, Inuvialuktun, Tlicho and Weledeh;". Inuvialuktun should be replaced by Inuinnaqtun to reflect the language spoken by Kitikmeot Inuit. Recommendation Replace "Inuvialuktun" with "Inuinnaqtun".	Feb 14: None	Feb 24: edit made
5	3.2.3 Key Lines of Inquiry, top of page 10	Comment "Four Key Lines of Inquiry pertaining to the	Feb 14: The proponent recognizes that this is inherent in the methodology for undertaking an	Feb 24: Multiple Accounts Analysis

		<p>biophysical environment and one Key Line of Inquiry for the human environment were identified for the Ekati Mine extension:" There will be some consideration of socio-economic considerations in the analysis of alternative means of carrying out the project as shown in s. 7.3.4. It may be more correct to say that one Key Line of Inquiry cuts across both the biophysical and human environment, in that Analysis of alternative means should involve an informed discussion and debate around the relative trade-offs of the various alternatives considered.</p> <p>Recommendation Indicate that Key Line of Inquiry 4 cuts across both the biophysical and human environments.</p>	<p>alternatives analysis using multiple accounts. We believe this recommendation is adequately addressed in the draft TOR as currently worded.</p>	<p>methodology for the alternatives analysis addresses this</p>
6	3.4 Geographic Scope, item 5, page 11	<p>Comment "5. Any underground aquifers leading to Lac du Gras from the Jay-Cardinal mine;" It may be more accurate to state Jay-Cardinal Project rather than potentially limit the Developer to underground aquifers associated with the mined area alone.</p> <p>Recommendation Change "Jay-Cardinal mine" to "Jay-Cardinal Project".</p>	<p>Feb 14: None</p>	<p>Feb 24: edit made</p>

7	7.3.1.1 Impacts to water quality from project components, item 1, first bullet, page 24	<p>Comment "construction activities including lake drawdown and water diversions;" The Agency would like to ensure that this bullet covers the changes in water levels that may be associated with drawdown and diversion (including any elevation changes to the Duchess Lake-Paul Lake diversion) that may result in a transfer of mercury from soils and rock to water.</p> <p>Recommendation Add the following to the end of this bullet "(including any potential for mercury leaching from soil or rock)".</p>	Feb 14: None	Feb 24: Section 7.3.1.1 text added as recommended
8	7.3.2 Impacts to fish and fish habitat from project components, pages 26-27	<p>Comment There does not appear to be a bullet that would capture potential effects on fish species and populations that have strong site fidelity to lake spawning grounds or spawning streams (e.g., grayling). These species or populations may be cut off from those sites by the drained portion of Lac du Savage and there may be impacts to reproductive success.</p> <p>Recommendation Add a bullet to the list as follows: "changes to water levels that may impact access to preferred fish spawning</p>	Feb 14: None	Feb 24: Edit made

		areas and any resulting effects on reproductive success".		
9	7.3.4 Analysis of Alternative Means, page 28	<p>Comment Form the discussion at the Jay-Cardinal Technical Session, we understood that DDEC would prepare and distribute a discussion paper on alternatives assessment (see page 8 of the summary notes as prepared by the Review Board staff). We understood that this discussion paper would be circulated prior to comments on this Draft Terms of Reference.</p> <p>Recommendation The company should circulate the discussion paper on alternatives assessment as discussed at the Jay-Cardinal Technical Session.</p>	Feb 14: The requested Proposed Approach document is attached to the proponent's response to the Draft TOR (proponent #15 below).	Feb 24: Attached document acknowledged and uploaded to registry
10	7.3.4 Analysis of Alternative Means, page 28	<p>Comment To ensure that all of the interested parties are on-side and to build support for the integrity of the alternatives assessment, the Agency understood that the underground-only option would be kept on the table for consideration, at least initially, as part of the alternatives assessment.</p> <p>Recommendation Include the all underground mining option as an alternative to be considered</p>	Feb 14: None	Feb 24: Section 7.3.4 underground option added

		during the multiple accounts analysis.		
11	Appendix B	<p>Comment The joint Land and Water Boards of the Mackenzie Valley and AANDC "Guidelines for the Closure and Reclamation of Advanced Mineral Exploration and Mine Sites in the Northwest Territories" appears to have been left off the list of guidelines that should be considered by the Developer.</p> <p>Recommendation Add the "Guidelines for the Closure and Reclamation of Advanced Mineral Exploration and Mine Sites in the Northwest Territories" to Appendix B.</p>	Feb 14: None	Feb 24: Appendix B, MVLWB/AANDC Guideline added

Lutsel K'e Dene First Nation - Chief or Wildlife, Lands and Environment: Mike Tollis

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Response
1	General File	<p>Comment (doc) LKDFN cover letter with comments on draft Terms of REference</p> <p>Recommendation</p>		

North Slave Metis Alliance: Eric Binion

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Response
1	General File	<p>Comment (doc) 2014 ltr NSMA re EA1314-01 Jay-Cardinal Project</p>		

		Recommendation		
2	MVRB - Terms of Reference - Jay-Cardinal Project, Section 3.3 and 3.4: Developer's assessment boundaries/ Geographic scope pg 10-11.	<p>Comment As noted, rational is needed or how the Proponent defines its boundaries for overall environmental assessment of the study area.</p> <p>Recommendation The NSMA encourages the Proponent to ensure that the maximum potential impacted area, including up-stream and down-stream affected areas are included. Additionally, temporal boundaries should include best-available knowledge of a realistic timeframe for water quality to reach pre-development conditions and fish to return to pre-development numbers and condition factor.</p>	<p>Feb 14: The proponent believes this recommendation is adequately addressed in the draft TOR as currently worded. Long-term objectives for reclamation of new development areas, such as those at Lac du Sauvage, will follow the Ekati Mine reclamation goal as defined in the approved Interim Closure and Reclamation Plan.</p>	<p>Feb 24: Adequately addressed in Sections 3.3, 3.4</p>
3	MVRB - Terms of Reference - Jay-Cardinal Project, Section 5: Description of Existing Environment, pg 15.	<p>Comment It is stated that should additional baseline data be required that supplementary data would be collected by the proponent.</p> <p>Recommendation The NSMA stresses the need for this data to be reflective of water quality and environmental conditions external of the existing mining operations, and collection should ideally account for any potential</p>	<p>Feb 14: The proponent disagrees. The inclusion of reference lakes or reference location sampling within a environmental assessment is not required for predicting potential effects to the environment. Reference locations are important to the completion of an AEMP design as part of the monitoring and verification of predicted effects elements of a project. We anticipate that this recommendation will be addressed during the permitting process following the environmental assessment process.</p>	<p>Feb 24: Reference locations incorporated into AEMP design</p>

		differences that may exist due to ongoing, current operations. Use of reference lakes is recommended.		
4	MVRB - Terms of Reference - Jay-Cardinal Project, Section 7.3.1.1 Impacts to water quality from project components, pg 24.	<p>Comment It is stated that DDEC "must provide a comparison of predicted contaminant levels during all project phases to baseline conditions and describe the impacts to water quality".</p> <p>Recommendation The NSMA requests the addition of "pre-development" to baseline conditions in order to best ensure that the land is returned to its natural state and that management reflects this goal.</p>	<p>Feb 14: The proponent believes the effects of the existing developments within the region are adequately encompassed by existing monitoring programs and this request is addressed within the draft Terms of Reference in Section 4.1 as the fifth bullet on page 13 "Compare the predicted impacts to pre-development conditions or to conditions without the Project as appropriate.</p>	<p>Feb 24: Adequately addressed in Section 4.1</p>
5	MVRB - Terms of Reference - Jay-Cardinal Project, Section 7.3.1.1 Impacts to water quality from project components, pg 25.	<p>Comment In regard to the water quality during all phases of project lifecycle, it is mentioned that water quality during re-watering of Lac du Sauvage should be considered. In a related discussion during the technical sessions the Proponent also agreed to implement vegetation management on the lake bottom prior to re-watering should vegetation that has established itself during the de-watered period present a potential water quality issue upon re-watering.</p>	<p>Feb 14: The proponent would like to point out that this change is not necessary as the Terms of Reference already requires the evaluation of the effects of dewatering and refilling, as well as the proposed mitigation for potential impacts. Further, requiring a specific plan regardless of the potential for an effect is pre-mature.</p>	<p>Feb 24: Section 7.3.1.1, point #3 "including the management of vegetation" added</p>

		<p>Recommendation The NSMA would like a mention of this vegetation management program to be included somewhere in the water quality KLI.</p>		
6	<p>MVRB - Terms of Reference - Jay-Cardinal Project, Section 7.3.2 Impacts to fish and fish habitat from project components, pg 26.</p>	<p>Comment Although all points are covered that are of concern, the scope of this project presents unique challenges especially due to water level changes and their impact on riparian areas which will effect both fish and wildlife habitat.</p> <p>Recommendation The NSMA would like the Proponent to produce a map that shows how riparian areas will be affected upstream and downstream of the Project. This map should utilize bathymetric maps and riparian area mapping to identify valuable riparian areas that may change either by water level increases or decreases. Identified habitat losses for fish, birds, and other species should be quantified when considering Alternative Means (7.3.4) and habitat compensation/investment requirements.</p>	<p>Feb 14: The proponent would like to clarify that a full environmental assessment will not be conducted for all of the alternatives considered, only for the identified preferred option. The relative scale and nature of the potential environmental changes associated with each alternative will be considered. For the preferred option the potential effects to shoreline and riparian areas from changes in water levels will be addressed and illustrated as part of other sections of the DAR. The proposed methodology for the Alternatives Analysis is documented and included as an attachment (Proponent #15).</p>	<p>Feb 24: Section 5.1.1, 12 d, requirement for map of areas to be flooded added</p>
7	<p>MVRB - Terms of Reference - Jay-</p>	<p>Comment The TOR includes many important points for caribou</p>	<p>Feb 14: The proponent believes this recommendation is adequately addressed in the</p>	<p>Feb 24: Section 7.3.3 additions</p>

	<p>Cardinal Project, Section 7.3.3: Impacts to caribou, pp 27,28.</p>	<p>management in regard to the predicted project impacts. However, provided the significant change to the landscape, and the critical location in regard to caribou migration, the NSMA remains concerned about potential impacts. In the Technical Sessions it was noted the Proponent would consider impacts from a "range perspective". Recommendation The NSMA encourages an addition to these bullet points account for range perspective management of Project impacts on caribou.</p>	<p>draft TOR as currently worded.</p>	<p>recommended by GNWT address these points</p>
<p>8</p>	<p>MVRB - Terms of Reference - Jay-Cardinal Project, Section 7.3.4: Analysis of Alternative Means, pg 28.</p>	<p>Comment Although all points are covered that are of concern, the scope of this project presents unique challenges especially due to water level changes and their impact on riparian areas which will effect both fish and wildlife habitat. Recommendation The NSMA would like the Proponent to produce a map, as mentioned in Comment 8, additionally, for Alternative Means, include all flow directions as they would exist for the proposed design and alternative (ring dyke) proposals, and shoreline/riparian area</p>	<p>Feb 14: The proponent would like to clarify that a full environmental assessment will not be conducted for all of the alternatives considered, only for the identified preferred option. See above response to NSMA #6.</p>	<p>Feb 24: requiemt for a mapping the various alternatives added</p>

		impacts comparing each design in upstream and downstream affected areas.		
9	MVRB - Terms of Reference - Jay-Cardinal Project, Section 8.1.1: Maximizing benefits to communities, pg 34.	<p>Comment As discussed at the Technical Sessions, it is important to consider the lifespans of existing and planned mines and mine phases when considering community benefits provided sustainably over time.</p> <p>Recommendation The NSMA encourages an addition of this consideration into existing project timelines into the community benefit analysis.</p>	Feb 14: We believe this recommendation is adequately addressed in the draft TOR as currently worded.	Feb 24: Section 8.1.1 "during the various phases of the planned mine life" added
10	MVRB - Terms of Reference - Jay-Cardinal Project, Section 8.2.2: Impacts to employment and business opportunities.	<p>Comment As discussed at the Technical Sessions, it is important to consider the lifespans of existing and planned mines and mine phases when considering employment and business opportunities provided sustainably over time.</p> <p>Recommendation The NSMA encourages an addition of this consideration into existing project timelines into the employment and business opportunity analysis.</p>	Feb 14: The proponent believes this recommendation is adequately addressed in the draft TOR as currently worded.	Feb 24: Section 8.2.2, recommendation is adequately addressed
Tlicho Lands Protection Department: Kerri Garner				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Response

1	1.2 Referral to Environmental Assessment (pg.4)	<p>Comment Warning sign here - 25 km is a long way for the big trucks. Will it increase risks to caribou and other wildlife, increase dust and ground compression, create a linear disconformity with natural surroundings that is not already present and may upset already off-kilter willdlife/vegetation and other ecosytemic components, due to existing mining? Now is a perfect time to get a serious CEA completed in the area. the expectations should be that much higher for any new project, even one extending the life of existing infrastructure (and this one requires a long extension of the linear disturbance associated with the Project.).</p> <p>Recommendation Request for an in depth cumulative effects assessment as a part of the Terms of Reference</p>	<p>Feb 14: The proponent believes this recommendation is adequately addressed in the draft TOR as currently worded.</p>	<p>Feb 24: This recommendation is adequately addressed with the requirement for a cumulative effectss assessment within individual key lines of inquiry and subjects of note</p>
2	2.1 Presentation of Material (pg.5)	<p>Comment The DC/VC IM should be a requirement, not an option, somewhere in the document. also check references to maps and aerial photos - It would be helpful to</p>	<p>Feb 14: The proponent believes this recommendation is adequately addressed in the draft TOR as currently worded.</p>	<p>Feb 24: Section 2.1 recommendation adequately addressed</p>

		<p>Tlcho reviewers to see aerial and map displays.</p> <p>Recommendation Make the DC/VC a requirement and not an option. Also requesting a review of if there will be requirements of maps and aerial photos.</p>		
3	2.1 Presentation of Material (pg.5)	<p>Comment Why only 10, shouldn't a list be developed?</p> <p>Recommendation Develop a list of who will receive a printed copy</p>	<p>Feb 14: Based on knowledge of recent environmental assessments distributed for review, the proponent believes that 10 hard copies should be adequate for distribution to stakeholders as the majority of groups now prefer to only receive electronic copies.</p>	<p>Feb 24: The request for 10 hard copies is typical for an EA and sufficient for the number of parties</p>
4	2.1 Presentation of Material (pg.5)	<p>Comment Through placement on the public record for this EA. this needs to be within reason though. if it is a major study that is critical to the assessment, it should be on the PR, even if it is independent literature. However, not every single reference in the ref section should be required - but the proponent must be willing to file any referenced materials upon request.</p> <p>Recommendation Any major study that is critical to the assessment should be on the PR, even if it is independent literature. However, not every</p>	<p>Feb 14: None</p>	<p>Feb 24: Section 2.1 - All reference material needs to be on the public registry</p>

		single reference in the ref section should be required - but the proponent must be willing to file any referenced materials upon request.		
5	2.2 Incorporation of Traditional Knowledge (pg.5)	Comment Remove "where possible" - the delimiter "all reasonable" is already there. Recommendation Remove "where possible" - the delimiter "all reasonable" is already there.	Feb 14: The proponent does not object to the recommended text change, if it appears to be misleading; however, the intent of the current wording should be conveyed that due to the ownership of this information the proponent is not solely responsible for the integration of this knowledge. There has to be a willing two-way communication that the proponent must do all that is reasonable to facilitate.	Feb 24: Section 2.2 "where possible" removed
6	2.3 Public Engagement (pg.6)	Comment Review Board suggests all reasonable efforts should be made to engage. Recommendation Request the Review Board to define what all reasonable efforts might constitute.	Feb 14: The proponent believes this recommendation is adequately addressed in the draft TOR as currently worded.	Feb 24: The developer will follow the Engagement and Consultation Policy (2013) listed in Appendix B
7	2.3 Public Engagement (pg.6)	Comment Review of corporate consultation logs Recommendation The Tlicho Government requests that consultation logs be subject to review before they are placed on the record.	Feb 14: The proponent has a responsibility for documenting the engagement activities they undertake and making their record of those activities available. The proponent cannot be held responsible if other parties choose not to participate in a way that facilitates the completion of this activity. It is in the best interests of the proponent to work to achieve valuable interactions. Other parties are free however to provide the Board their views on the nature, extent, and value of the engagement the proponent undertakes throughout the EA process.	Feb 24: The developer will follow the Engagement and Consultation Policy (2013) listed in Appendix B Section 2.3 "reviewed and jointly agreed upon with parties if possible" added

8	2.4 Summary Materials (pg.7)	<p>Comment Clarification may be required here. is the DAR or the licencing application being referred to here?</p> <p>Recommendation Clarify whether it is the DAR or the licencing application that is being referred to here.</p>	<p>Feb 14: The proponent interprets the text to be in reference to the Developer's Assessment Report.</p>	<p>Feb 24: The Developer's Assessment Report is referred to</p>
9	2.5 Developer (pg.7)	<p>Comment Compliance with and adherence to all socio-economic commitments under agreements with different levels of government and Aboriginal IBA signatories should also be reported on and treated with the same degree of import and analytical rigour as environmental performance records.</p> <p>Recommendation Compliance with and adherence to all socio-economic commitments under agreements with different levels of government and Aboriginal IBA signatories should also be reported on and treated with the same degree of import and analytical rigour as environmental performance records.</p>	<p>Feb 14: The proponent would like to clarify that it is not appropriate to use the word "compliance" in regards to the socio-economic targets that are set out in the socio-economic agreements established with the GNWT and potentially-impacted communities. The proponent's performance in regards to employment and contracting targets will be discussed as part of the DAR. However, as there is no reporting requirement for providing this information on a community by community basis these monitoring/baseline data are not available. Further, any information in relation to specific IBAs is considered confidential and is not publicly reported.</p>	<p>Feb 24: Addressed in 8.1.1</p>
10	3.2.1 Valued Ecosystem	<p>Comment "to be used?"</p> <p>Recommendation Modify</p>	<p>Feb 14: None</p>	<p>Feb 24: 3.2.1 "to be used" added</p>

	Components (pg.8)	"used" to read "to be used".		
11	3.2.1 Valued Ecosystem Components (pg.9)	<p>Comment Socio-economic impacts and traditional use has to be in the list of VCs. Are we to assume that there will be no additional socio-economic impacts or traditional use effects from Jay Cardinal, or, indeed, that the existing mine has had no effects that are likely to act cumulatively with Jay Cardinal? That is what this absence implies.</p> <p>Recommendation We would like to see socio-economic impacts and traditional use in the list of VC's</p>	Feb 14: The Proponent has proposed amendments to the VC list (Proponent #2).	Feb 24: Section 3.2.1 - Valued components listed as recommended by developer, includes socio-economic and land use
12	3.2.1 Valued Ecosystem Components (pg.9)	<p>Comment But isn't the list above a minimum list of VCs? Wouldn't guidance like "The Proponent is free to identify as many Valued Components as necessary to assess impacts from the proposed Project, provided: a) a rationale for each is provided; and b) all of the above noted Valued Components are included in the assessment."</p> <p>Recommendation The Tlicho Government requests clear guidance be provided and if the</p>	Feb 14: The proponent has proposed amendments to the VC list (proponent #2).	Feb 24: Valued components are listed as recommended by the developer

		corporation wishes to change the scope or VCs that they describe why.		
13	3.2.3 Key Lines of Inquiry (pg.10)	Comment If this is the case, why weren't socio-economic effects identified above? Recommendation Socio-economic impacts should be considered a key line of inquiry.	Feb 14: The proponent would like to clarify that a human environment Key Line of Inquiry: Maximizing benefits to communities is outlined in Section 8.1.1	Feb 24: Section 8.1.1 is a key line of inquiry
14	3.3 Developer's Assessment Boundaries (pg.10)	Comment Currently, there is not enough guidance on the temporal scope of assessment. If there is not more further on, this is a problem. There are no minimum requirements below. There is no definition of what should constitute the temporal scope of assessment. Recommendation Provide more guidance on the temporal scope of assessment.	Feb 14: The proponent believes this recommendation is adequately addressed in the draft TOR as currently worded.	Feb 24: Section 3.5 addresses temporal scope
15	3.4 Geographic Scope (pg.10)	Comment For further clarity, the term "valued component" would be useful here. Recommendation Use the term "valued component" here.	Feb 14: None	Feb 24: Section 3.4 "valued" components added
16	3.4 Geographic Scope (pg.11)	Comment This seems to be a critical gap in the guidance; we should know by now what constitutes a "reasonable" impact corridor for a	Feb 14: The proponent believes this recommendation is adequately addressed in the draft TOR as currently worded.	Feb 24: Addressed in 3.4 point 2 with rationale for boundaries required as described in 3.3

		<p>continuously used haul road in the tundra. We do not believe this should be left to the proponent with no guidance.</p> <p>Recommendation Address the critical gap in the guidance and define what constitutes a "reasonable" impact corridor for a continuously used haul road in the tundra.</p>		
17	3.4 Geographic Scope (pg.11)	<p>Comment In addition, it would appear that a major difference between this Project and previous ones is the length of the haul road. Recommend the Review Board require more detailed guidance on the importance of studying impacts along and around this corridor as a special emphasis of this EA.</p> <p>Recommendation A special emphasis of this EA is that the Review Board require more detailed guidance on the importance of studying impacts along and around the haul road corridor.</p>	<p>Feb 14: The proponent would like to clarify that the potential impacts from the haul road are included within the environmental assessment area. Further, the proponent is confused by what appears to be a request for guidance to the Board being provided in the Developer's Assessment Report. This would not appear to be relevant to the development of the TOR.</p>	<p>Feb 24: Impacts from the Misery Haul Road are addressed in 7.3.3, Impacts to caribou</p>
18	3.4 Geographic Scope (pg.11)	<p>Comment "Can be predicted to cease".</p> <p>Recommendation Modify "cease to occur" to "can be</p>	<p>Feb 14: None</p>	<p>Feb 24: Section 3.4 changed to "can be predicted to cease"</p>

		predicted to cease".		
19	3.4 Geographic Scope (pg.11)	Comment Are there above ground aquifers? Recommendation Inquire whether or not there are above ground aquifers.	Feb 14: The proponent would like to reassure the reviewer that all potentially impacted surface waterbodies, waterways, watercourses will be included in the scope of the environmental assessment (i.e., lakes, streams, etc.). The term aquifer specifically refers to a body of permeable rock that can contain or transmit groundwater (i.e., water under the ground) and this will also be part of the DAR. These waterbodies are currently addressed by wording in the TOR.	Feb 24: Comment and response acknowledged
20	3.4 Geographic Scope (pg.11)	Comment TG Lands to identify any species where range is appropriate lens and make sure that is the expectation herein. Recommendation TG Lands to identify any species where range is appropriate lens and make sure that is the expectation herein.	Feb 14: This intent of this comment is unclear and its relevance here as part of the TOR development process is unclear. The proponent would like to reassure the reviewer that Traditional Knowledge and engagement with the potentially-impacted communities has been the foundation of the existing list of valued components (including the community scoping session for the project), which are the focus of the environmental assessment.	Feb 24: Comment and response acknowledged
21	3.4 Geographic Scope (pg.11)	Comment Shouldn't everything starting with the second sentence be a new paragraph? Recommendation Change the second sentence to be a new paragraph.	Feb 14: None	Feb 24: Section 3.4 edit made
22	3.4 Geographic Scope (pg.11)	Comment Review Board should issue special requirement for Proponent to put special emphasis on the	Feb 14: The proponent feels that this comment is adequately captured in the draft Terms of Reference under Section 2.2 Incorporation of Traditional Knowledge. The proponent is required to show how	Feb 24: Request is adequately addressed in Sections 2.2 and

		<p>assessment of impacts on locations within the local and regional study areas, identified by affected Aboriginal groups as of heightened value and/or sensitivity.</p> <p>Recommendation Review Board should issue special requirement for Proponent to put special emphasis on the assessment of impacts on locations within the local and regional study areas, identified by affected Aboriginal groups as of heightened value and/or sensitivity.</p>	<p>Traditional Knowledge shaped the methodology of the environmental assessment and illustrate how Traditional Knowledge was integrated throughout the assessment.</p>	2.3
23	3.5 Temporal Scope (pg.12)	<p>Comment This terminology is questionable. Prefer extends until such time as no measurable adverse effects are predicted to occur. To limit the temporal scope to potentially significant adverse impacts, when most proponents identify NO potentially significant adverse impacts, is to provide manipulable guidance.</p> <p>Recommendation Revise as needed</p>	<p>Feb 14: The proponent believe this recommendation is adequately addressed in the draft TOR as currently worded.</p>	<p>Feb 24: Existing wording retained</p>
24	3.5 Temporal Scope (pg.12)	<p>Comment Think the board means "temporal" here; revisit.</p> <p>Recommendation Check if the</p>	<p>Feb 14: None</p>	<p>Feb 24: edit made</p>

		board meant to say "temporal" as opposed to "spatial".		
25	4.1 Impact Assessment Steps and Significance Determination Factors (pg.13)	Comment "...and clearly identify all mitigation commitments of the Proponent in relation to this VC. Recommendation Add to the end of the sentence ", and clearly identify all mitigation commitments of the Proponent in relation to this VC".	Feb 14: None	Feb 24: text added as requested
26	4.1 Impact Assessment Steps and Significance Determination Factors (pg.13)	Comment For greater clarity suggest "the committed-to" mitigation measures Recommendation For greater clarity suggest "the committed-to" mitigation measures	Feb 14: None	Feb 24: 4.1 "the committed to" added to 5th bullet
27	4.1 Impact Assessment Steps and Significance Determination Factors (pg.13)	Comment Is any definition of significance thresholds identified herein or any instruction given on how - and who - to develop them? 4.2 below does not provide enough emphasis on thresholds actually, nor does it encourage multilateral methods to identify them and conduct estimations exercises. Recommendation Check to see if there is any definition of significance threshold identified herein or if any	Feb 14: Effects thresholds are component specific; therefore, a 'standard' method of determining significance would not be appropriate. The definition of significance and its determination will be detailed for each valued component within the environmental assessment.	Feb 24: Section 4.2 - the developer will provide its opinion on significance threshold as described in this section.

		instruction is given on how- and who-should develop them		
28	5.1.1 Biophysical Environment (pg.15)	<p>Comment Please revise to identify requirement for distinction between current conditions and background here, as is done for #3 below. Also, mapping of accumulations of depositional material related to industrial development (e.g., but not limited to, dust plumes) in relation to the existing project should be requirement.</p> <p>Recommendation Please revise to identify requirement for distinction between current conditions and background here, as is done for #3 below. Also, mapping of accumulations of depositional material related to industrial development (e.g., but not limited to, dust plumes) in relation to the existing project should be requirement.</p>	<p>Feb 14: The proponent believes this recommendation is adequately addressed in the draft TOR as currently worded.</p>	<p>Feb 24: DDEC is encouraged to use mapping and other techniques in presenting material as described in Section 2.1</p>
29	5.1.1 Biophysical Environment (pg.15)	<p>Comment For greater clarity, we recommend referring in all instances to "baseline and trend over time" conditions.</p> <p>Recommendation For greater clarity, we recommend</p>	<p>Feb 14: The proponent believes this recommendation is adequately addressed in the draft TOR as currently worded.</p>	<p>Feb 24: The recommendation is adequately addressed</p>

		referring in all instances to "baseline and trend over time" conditions.		
30	5.1.1 Biophysical Environment (pg.16)	<p>Comment Tlicho TK also has criteria and indicators related to observations of water quality. They should also be included as a required element of this baseline and trend over time conditions profiling. Balance must be sought between TK and western science throughout the ToR and throughout the environmental assessment.</p> <p>Recommendation Tlicho's criteria and indicators related to observations of water quality should be included as a required element of this baseline and trend over time conditions profiling as a means to balance TK and western science throughout the ToR and the environmental assessment.</p>	<p>Feb 14: TK integration is a focus of the Terms of Reference and will be a focus of the environmental assessment. If the Tlicho TK criteria and indicators for water quality (or any TK for that matter relevant to the study area) are provided they will be considered in the environmental assessment.</p>	<p>Feb 24: Integration of traditional knowledge is required throughout this environmental assessment - Section 2.2</p>
31	5.1.1 Biophysical Environment (pg.16)	<p>Comment Again, specific reference to the generations of observational data of land users should be specific referred to in relation to water quantity, flow, discharge etc.,</p>	<p>Feb 14: Refer to proponent's response to the TLPD comment above (Comment #30).</p>	<p>Feb 24: Integration of traditional knowledge is required throughout this environmental assessment -</p>

		and relations to change over time and ecological health status. Recommendation Specific reference to the generations of observational data of land users should be specific referred to in relation to water quantity, flow, discharge etc., and relations to change over time and ecological health status.		Section 2.2
32	5.1.1 Biophysical Environment (pg.16)	Comment Relationship of water quantity to wildlife and vegetation status should also be included in this baseline and trend over time profiling. Recommendation Include the relationship of water quantity to wildlife and vegetation in this baseline and trend over time profiling	Feb 14: The proponent believes this recommendation is adequately addressed in the draft TOR as currently worded. Where available these data will be integrated into the baseline as they are an element of habitat types present.	Feb 24: Point 6 a: addresses water bodies likely to experience changes in water quantity due to the Project
33	5.1.1 Biophysical Environment (pg.16)	Comment We request that specific guidance be given for the Proponent to include all water bodies "to the extent of predicted effects" and also additional acceptable reference water bodies in relatively pristine condition (i.e., relatively unlikely to have seen substantial change due to	Feb 14: The proponent believes the recommendation with respect to including waterbodies "to the extent of predicted effects" is adequately addressed in the draft TOR as currently worded. The proponent would like to clarify that the inclusion of reference lakes or reference location sampling within a environmental assessment is not required for predicting potential effects to the environment. Reference locations are important to the completion of an AEMP design as part of the monitoring and verification of predicted	Feb 24: 7.3.1.1 "to the extent of predicted impacts" is included

		<p>industrial development) in this baseline profiling. This guidance should be clear. It is very difficult once a DAR is complete for the EA to run effectively if the wrong reference water bodies have been used as a control group.</p> <p>Recommendation We request that specific guidance be given for the Proponent to include all water bodies "to the extent of predicted effects" and also additional acceptable reference water bodies in relatively pristine condition (i.e., relatively unlikely to have seen substantial change due to industrial development) in this baseline profiling. This guidance should be clear. It is very difficult once a DAR is complete for the EA to run effectively if the wrong reference water bodies have been used as a control group.</p>	<p>effects elements of a project. We anticipate that this recommendation will be addressed during the permitting process following the environmental assessment process.</p>	
34	5.1.1 Biophysical Environment (pg.17)	<p>Comment Again, special emphasis on TK should be made here.</p> <p>Recommendation A special emphasis on TK should be made here.</p>	<p>Feb 14: The proponent believes this recommendation is adequately addressed in the draft TOR as currently worded.</p>	<p>Feb 24: Integration of traditional knowledge is required throughout this environmental assessment - Section 2.2</p>

35	5.1.1 Biophysical Environment (pg.17)	<p>Comment It is unclear where the LSA and RSA region is - is this going to be clearly identified.</p> <p>Recommendation Provide guidance on differentiating project footprint, LSA and RSA in this document.</p>	<p>Feb 14: The delineation of these areas will be clearly detailed in the DAR. The proponent believes this recommendation is adequately addressed in the draft TOR as currently worded.</p>	<p>Feb 24: Guidance is adequate in the TOR</p>
36	5.1.2 Human Environment (pg.18)	<p>Comment For greater clarity add "among potentially affected communities and other Aboriginal and Northern residents". Guidance should also be provided to the Proponent that impact equity demands greater level of efforts re: potentially affected communities than among "other Aboriginal and Northern residents".</p> <p>Recommendation For greater clarity add "among potentially affected communities and other Aboriginal and Northern residents". Guidance should also be provided to the Proponent that impact equity demands greater level of efforts re: potentially affected communities than among "other Aboriginal and Northern residents".</p>	<p>Feb 14: The proponent would like to point out that potentially-impacted communities will be the focus of the Key Line of Inquiry of Maximizing benefits to communities. However, there is no community-specific reporting requirement regarding the potential impacts of the operation; thus, this monitoring/baseline data is not available.</p>	<p>Feb 24: Baseline requirements are adequately addressed.</p>

37	5.1.2 Human Environment (pg.18)	<p>Comment "...including specific identification of Aboriginal business capacity...available to"</p> <p>Recommendation Add to the end of the sentence "including specific identification of Aboriginal business capacity" available to"</p>	<p>Feb 14: The proponent believes that the reviewer would like this additional text to be added to bullet number 18 on page 18. The proponent would like to clarify that a qualitative discussion could be provided but that quantitative data would not be available.</p>	<p>Feb 24: Text added as requested to point #18</p>
38	5.1.2 Human Environment (pg.18)	<p>Comment "and over the course of time since diamond mining has begun in the NWT."</p> <p>Recommendation Add to the sentence "and over the course of time since diamond mining has begun in the NWT"</p>	<p>Feb 14: The proponent is unclear as to which statement this additional text is requested for. The proponent would like to reassure the reviewer that a cumulative effects analysis is already required as part of the Terms of Reference. However, the proponent of a project cannot be expected to be solely responsible for assessing the impacts of an industry as a whole. This request is inappropriate for a project-specific assessment.</p>	<p>Feb 24: The reviewer has not made it clear where this addition should be placed.</p>
39	5.1.2 Human Environment (pg.18)	<p>Comment "and the Proponent will make all reasonable efforts to gather traditional land use data as the primary means of accumulating this information."</p> <p>Recommendation Add to the sentence "and the Proponent will make all reasonable efforts to gather traditional land use data as the primary means of accumulating this information."</p>	<p>Feb 14: The proponent believes the draft TOR wording strikes an appropriate balance between the scientific analysis requirements and the need to incorporate TK in the DAR. We do not believe the recommended additions are appropriate to include in the TOR.</p>	<p>Feb 24: Incorporation of traditional knowledge is a fundamental requirement in the Terms of Reference - Section 2.2</p>

40	5.1.2 Human Environment (pg.18)	<p>Comment This reference to a singular mine, Ekati, is not appropriate. Unless Ekati effects are being treated as "Project-specific" effects, all of the diamond mines that may have had effects on changes in traditioanl way of life and household function amont the potentially affected communities must be considered of equal baseline and trend over time interest.</p> <p>Recommendation The reference to a singular mine, Ekati" is not appropriate. Must take into consideration all of the diamond mines that may have had effects on changes in traditioanl way of life and household function amont the potentially affected communities.</p>	<p>Feb 14: The proponent would like to reassure the reviewer that a qualitative cumulative analysis will be completed which incorporates other developments; however, this will not include a discussion of the impact differences among the potentially-impacted communities. Also, the purpose of the DAR is to look at the effects of the proposed project; it is not the proponent's sole responsibility to conduct an assessment of industry wide effects.</p>	<p>Feb 24: Cumulative effects qualitative scenario required in Section 7.2</p>
41	5.1.2 Human Environment (pg.18)	<p>Comment This disclaimer is inappropriate in this one location only; recommend removal.</p> <p>Recommendation Remove this disclaimer.</p>	<p>Feb 14: The proponent is unclear as to which statement on page 18 of the Terms of Reference the reviewer is referring to as a "disclaimer."</p>	<p>Feb 24: Recommendation unclear</p>
42	5.1.2 Human Environment (pg.18)	<p>Comment This should be part of the development description; it is not part of the</p>	<p>Feb 14: The proponent would like to point out that this information would only be available for the Ekati operation. The proponent would not have access to</p>	<p>Feb 24: Adequately addressed in TOR</p>

		<p>existing environment. A more relevant "existing environment" requirement would be to list the current and trend over time number of FTEs related to Ekati and the diamond mining sector in the NWT, if the Review Board desires.</p> <p>Recommendation List the current and trend over time of number of FTEs related to Ekati and the diamond mining sector in the NWT, if the Review Board desires.</p>	<p>this information pertaining to other operations.</p>	
43	<p>6.1 New Infrastructure, Facilities and Management Plans (pg.21).</p>	<p>Comment Please add the temporal scope for use of the existing project facilities. In other words, for any Project component not planned to be used for the entire life of the Jay-Cardinal Project, please identify its proposed life span and decommissioning and other reclamation/remediation related requirements and timelines.</p> <p>Recommendation Add the temporal scope for use of the existing project facilities. In other words, for any Project component not planned to be used for the entire life of the</p>	<p>Feb 14: The proponent believes this recommendation is adequately addressed in the draft TOR as currently worded.</p>	<p>Feb 24: This is addressed in Section 12, Closure and Reclamation</p>

		Jay-Cardinal Project, please identify its proposed life span and decommissioning and other reclamation/remediation related requirements and timelines.		
44	6.1 New Infrastructure, Facilities and Management Plans (pg.21).	<p>Comment "...including changes in total Ekati and Jay-Cardinal related Project-specific traffic over the life of the proposed Project."</p> <p>Recommendation Add to the end of the sentence "including changes in total Ekati and Jay-Cardinal related Project-specific traffic over the life of the proposed Project."</p>	Feb 14: The proponent believes this recommendation is adequately addressed in the draft TOR as currently worded.	Feb 24: No changes made
45	6.3 Development phases and Schedule (pg.22)	<p>Comment Suggest this makes more sense as a new #25 above.</p> <p>Recommendation Use this as a new #25 above.</p>	Feb 14: None	Feb 24: Covered in #22
46	7.1 Effects Assessment (pg.22)	<p>Comment ".including identification of all known or suspected contributors to the total cumulative effect loads, and its potential."</p> <p>Recommendation Add to the sentence "including identification of all known or suspected contributors to the total cumulative effect loads,</p>	Feb 14: The proponent believes this recommendation is adequately addressed in the draft TOR as currently worded.	Feb 24: Addressed adequately

		and its potential "€"		
47	7.1 Effects Assessment (pg.22)	Comment Consider replace "characterize" with "estimate". Recommendation Replace "characterize" with "estimate"	Feb 14: None	Feb 24: edit made
48	7.1 Effects Assessment (pg.22)	Comment May exist seems out of place. Please replace with "identify mitigation measures that already exist or would be required for..." Recommendation Replace "may exist" with "identify mitigation measures that already exist or would be required for..."	Feb 14: None	Feb 24: edit made
49	7.2 Cumulative Effects (pg.23)	Comment Additional clarity that the Proponent's focus should be on total cumulative effects loading and the associated effects on the health or other measureable status parameter for the VC, not merely the contribution of the proposed Project to same. Review Board may also want to give specific instructions re: the identification of appropriate thresholds for estimation of significance and what happens if the baseline already exceeds same. Recommendation Include	Feb 14: Refer to proponent's response to the TLPD Comment #27 provided above. The proponent believes this recommendation is adequately addressed in the draft TOR as currently worded.	Feb 24: Addressed in Sections 4.2 and 7.2

		<p>additional clarity that the Proponent's focus should be on total cumulative effects loading and the associated effects on the health or other measureable status parameter for the VC, not merely the contribution of the proposed Project to same. Review Board may also want to give specific instructions re: the identification of appropriate thresholds for estimation of significance and what happens if the baseline already exceeds same.</p>		
50	7.2 Cumulative Effects (pg.23)	<p>Comment There seems to be a missing introductory sentence before the bullets. Recommendation Include an introductory sentence before the listed bullets.</p>	Feb 14: None	Feb 24: Introductory sentence added
51	7.2 Cumulative Effects (pg.23)	<p>Comment Please add a requirement to identify any lessons learned from previous and ongoing cumulative effects assessment regimes and initiatives that will be or should be required as monitoring moving forward. Recommendation Add a requirement to identify any lessons learned from previous</p>	Feb 14: The proponent believes this recommendation is adequately addressed in the draft TOR as currently worded.	Feb 24: Section 7.2 - sentence added

		and ongoing cumulative effects assessment regimes and initiatives that will be or should be required as monitoring moving forward.		
52	7.3 Key Lines of Inquiry (pg.24)	Comment Suggest remove "potential" in relation to cumulative effects, this is more relevant to accidents and malfunctions, and replace with "total estimated cumulative effects on a VC by VC basis". Recommendation Replace "potential" with "total estimated cumulative effects on a VC by VC basis".	Feb 14: The proponent believes this recommendation is adequately addressed in the draft TOR as currently worded.	Feb 24: Changed to "estimated"
53	7.3 Key Lines of Inquiry (pg.24)	Comment For the sake of consistency, should this refer instead to Jay-Cardinal? Recommendation Change "Ekati Mine extension" to "Jay-Cardinal" for consistency.	Feb 14: None	Feb 24: Changed as recommended
54	7.3.1.1. Impacts to Water Quality from Project Components (pg.24)	Comment Typo Recommendation Fix typo.	Feb 14: None	Feb 24: edit made
55	7.3.1.1. Impacts to Water Quality from Project Components (pg.24)	Comment And natural background Recommendation Add to the sentence "and natural background".	Feb 14: Uncertain as to the specific location this is to be added to. We believe natural background is adequately addressed in the draft TOR as currently worded.	Feb 24: Location of recommendation unclear

56	7.3.1.1. Impacts to Water Quality from Project Components (pg.24)	<p>Comment Should some specific reference be made to blasting effects?</p> <p>Recommendation Include specific reference to blastic effects.</p>	<p>Feb 14: The proponent believes this recommendation is adequately addressed in the draft TOR as currently worded.</p>	<p>Feb 24: Already included in this section</p>
57	7.3.1.1. Impacts to Water Quality from Project Components (pg.25)	<p>Comment "And shall include estimates of contaminant loading by parameter of interest, and comparison to existing and natural background conditions."</p> <p>Recommendation Add to the sentence "and shall include estimates of contaminant loading by parameter of interest, and comparison to existing and natural background conditions."</p>	<p>Feb 14: The proponent believes this recommendation is adequately addressed in the draft TOR as currently worded.</p>	<p>Feb 24: addressed in first paragraph</p>
58	7.3.1.1. Impacts to Water Quality from Project Components (pg.25)	<p>Comment Alternatives assessment</p> <p>Recommendation Would be helpful to have the alternatives assessment placed in the TOR</p>	<p>Feb 14: The exact intent of this recommendation is unclear. Based on the Key Line of Inquiry specific to an alternatives assessment and the section the comment is provided in relation to, the proponent's interpretation is that the reviewer is requesting a comparison of impacts between the alternatives in relation to impacts to water quality. The proponent would like to point out that a full environmental assessment will not be conducted for all of the alternatives considered, only for the identified preferred option. The proposed alternative analysis method is discussed below (Proponent #15).</p>	<p>Feb 24: Alternatives analysis in Section 7.3.4</p>
59	7.3.1.1. Impacts to	<p>Comment Suggest guidance</p>	<p>Feb 14: The proponent believes this recommendation</p>	<p>Feb 24: Included in</p>

	Water Quality from Project Components (pg.25)	<p>be given on what guidelines and parameters (e.g., EQCs; CCMEs) the estimated water quality should be compared against in order to characterize it.</p> <p>Recommendation Guidance should be given on what guidelines and parameters (e.g., EQCs; CCMEs) the estimated water quality should be compared against in order to characterize it.</p>	is adequately addressed in the draft TOR as currently worded.	this section
60	7.3.1.2 Impacts to Water Quantity from Project Components (pg.26)	<p>Comment Recommend the Review Board leave this list "open" with language indicating this is a minimum list - "including but not limited to" - what if other water bodies and regimes are found during the baseline conditions profiling to merit attention?</p> <p>Recommendation Recommend the Review Board leave this list "open" with language indicating this is a minimum list - "including but not limited to" - what if other water bodies and regimes are found during the baseline conditions profiling to merit attention?</p>	Feb 14: None	Feb 24: Removed "from the following sources" from the opening paragraph

61	7.3.2 Impacts to Fish and Fish Habitat from Project Components (pg.26)	<p>Comment Again, is the language of "reasonable" properly directive - does the Review Board mean "technically defensible"?</p> <p>Recommendation Consult with Review Board to see if they mean "technically defensible" as opposed to "reasonable".</p>	Feb 14: The proponent believes this recommendation is adequately addressed in the draft TOR as currently worded.	Feb 24: No change made
62	7.3.2 Impacts to Fish and Fish Habitat from Project Components (pg.26)	<p>Comment "Including but not limited to."</p> <p>Recommendation Add to the end of the sentence "including but not limited to"!</p>	Feb 14: None	Feb 24: Edit made
63	7.3.2 Impacts to Fish and Fish Habitat from Project Components (pg.27)	<p>Comment potentially affected...communities (same with second bullet)</p> <p>Recommendation Change this sentence (and the second bullet) from "with communities" to "with potentially affected communities".</p>	Feb 14: None	Feb 24: Changes made
64	7.3.2 Impacts to Fish and Fish Habitat from Project Components (pg.27)	<p>Comment Specific reference to the importance of TK from potentially affected communities is recommended here.</p> <p>Recommendation Make specific reference to the importance of TK from</p>	Feb 14: The proponent believes this recommendation is adequately addressed in the draft TOR as currently worded.	Feb 24: Incorporation of traditional knowledge is required throughout the preparation of the DAR - Section 2.2

		potentially affected communities.		
65	7.3.3 Impacts to Caribou from Project Components (pg.27)	Comment "baseline... and trend over time...conditions". Recommendation Modify the sentence from "baseline conditions' to "baseline and trend over time conditions".	Feb 14: The proponent believes this recommendation is adequately addressed in the draft TOR as currently worded.	Feb 24: Addressed in opening paragraph to 7.3.3
66	7.3.3 Impacts to Caribou from Project Components (pg.27)	Comment If the assessment will require predator-prey relationships, please add wolves to the list of species that require baseline and trend over time profiling Recommendation Add wolves to the list of species that require baseline and trend over time profile in section (?).	Feb 14: The proponent believes this recommendation is adequately addressed in the draft TOR as currently worded.	Feb 24: Covered in this section
67	7.3.3 Impacts to Caribou from Project Components (pg.28)	Comment This bullet ascribes an assumption of success of existing mitigation that may or may not be accurate. please revise to ""describe and assess the success to date of all caribou effects mitigation methods used in relation to past and present Ekati mine operations". Recommendation Modify sentence to say "describe and assess the success to date of all caribou effects mitigation	Feb 14: None	Feb 24: Text modified as requested - bullet 7

		methods used in relation to past and present Ekati mine operations".		
68	7.3.3 Impacts to Caribou from Project Components (pg.28)	<p>Comment Specific reference to the importance of TK from potentially affected communities is recommended here. In addition, reference to case studies re: caribou mitigation best practices should be required.</p> <p>Recommendation Specific reference to the importance of TK from potentially affected communities is recommended here. In addition, reference to case studies re: caribou mitigation best practices should be required.</p>	Feb 14: The proponent believes this recommendation is adequately addressed in the draft TOR as currently worded.	Feb 24: Incorporation of traditional knowledge is required throughout the preparation of the DAR - Section 2.2
69	7.3.4 Analysis of Alternative Means (pg.28)	<p>Comment Should this not be a directive "must", given the Review Board is required to consider alternatives, as stated above?</p> <p>Recommendation Modify the sentence from "may" to "must".</p>	Feb 14: None	Feb 24: edit made
70	7.3.4 Analysis of Alternative Means (pg.28)	Comment This sentence seems awkward - shouldn't the focus in alternative means assessment be on comparing the alternative means in a	Feb 14: The proponent has provided suggested edits to the wording of Section 7.3.4 below in the proponent #15 comment.	Feb 24: Changes made using developer's recommended wording.

		<p>transparent and defensible manner and choosing the most beneficial/least harmful option? Reference to "suggested mitigation" seems out of place; the developer needs to identify its preferred alternative means and justify them with adequate analysis. please revisit and revise accordingly.</p> <p>Recommendation The developer needs to identify its preferred alternative means and justify them with adequate analysis. Please revisit and revise accordingly.</p>		
71	7.3.4 Analysis of Alternative Means (pg.28)	<p>Comment Reference to weighting of criteria and (under methods) to the breadth of voices included in the "multiple accounts" - was it entirely internal to the developer and its consultants or did it include external parties? - would be appropriate here. The Review Board currently makes no reference to the role of external parties in multiple accounts analysis.</p> <p>Recommendation The Review board should make explicit reference to the role of external</p>	<p>Feb 14: Traditional knowledge and the perspectives of communities and regulators are collected through on-going engagement activities between the proponent and relevant third parties. This information will inform the alternatives analysis; however, the third parties themselves will not be directly involved in the analysis prepared for inclusion in the DAR.</p>	<p>Feb 24: The requirements of Sections 2.2 and 2.3 address this</p>

		parties in multiple accounts analysis.		
72	7.3.4 Analysis of Alternative Means (pg.28)	Comment as follows...but at the developer's discretion may not be limited to: Recommendation Add to the end of the sentence ""as follows...but at the developer's discretion may not be limited to:"	Feb 14: The proponent has provided suggested edits to the wording of Section 7.3.4 below in the proponent #15 comment.	
73	7.4 Subjects of Note (pg.29)	Comment This reference to REA seems in err; revisit. Recommendation Revisit this reference to make sure it is accurate.	Feb 14: None	Feb 24: "Review Board's Report of Environmental Assessment" removed
74	7.4.1 Impacts to Air Quality from Project Components (pg.29)	Comment Specific reference to TK related to observed changes in air quality parameters relevant to use and enjoyment of the land in the study area by potentially affected communities is recommended here. As a general rule, reference to sensate parameters across a variety of these subjects of note (taste, smell, auditory change, visual differences) should be required in the ToR. Recommendation Specific reference to TK related to observed changes in air quality	Feb 14: The proponent believes this recommendation is adequately addressed in the draft TOR as currently worded.	Feb 24: Section 2.2 - incorporation of traditional knowledge is required throughout the DAR

		parameters relevant to use and enjoyment of the land in the study area by potentially affected communities is recommended here.		
75	7.4.2 Impacts to the Landscape from Project Components (pg.30)	Comment "Including but not limited to" Recommendation Modify sentence "from existing" to "from existing but not limited to".	Feb 14: None	Feb 24: Section reworded to vegetation
76	7.4.3 Impacts to Wildlife and Wildlife Habitat from Project Components (pg.30)	Comment Again, the lack of definition around terms like "footprint" and "study area" (is it LSA, RSA, both?) could be firmed up to the benefit of the developer and the DAR development process. For example, is what is being discussed here the direct physical Project footprint or defensible "impact footprint"? Recommendation Must clearly define terms like "footprint" and "study area".	Feb 14: Tthe study areas to be assessed are value component specific, therefore, in the environmental study the study areas for each assessment will be detailed and a rationale for the boundaries will be provided. The proponent believes this recommendation is adequately addressed in the draft TOR as currently worded.	Feb 24: Addressed in Sections 3.3 and 3.4
77	7.4.4 Impacts to Terrain from Project Components (pg. 31)	Comment We recommend special emphasis on characterizing the baseline conditions along the proposed haul road route, reference to case studies of effects and effects management of large	Feb 14: The proponent believes this recommendation is adequately addressed in the draft TOR as currently worded.	Feb 24: Baseline conditions are addressed in 5.1.1

		<p>mass haulage in tundra environments, and the developer's commitments to mitigation and monitoring re: the haul road.</p> <p>Recommendation We recommend special emphasis on characterizing the baseline conditions along the proposed haul road route, reference to case studies of effects and effects management of large mass haulage in tundra environments, and the developer's commitments to mitigation and monitoring re: the haul road.</p>		
78	7.5 Biophysical Environmental Monitoring Programs and Management Plans (pg.31)	<p>Comment Removal of reference to "significant" is advise in this second sentence. Monitoring and adaptive management may be required to kick in well below a significance thresholds at a cautionary level.</p> <p>Recommendation Remove reference to "significant" in this sentence.</p>	Feb 14: None	Feb 24: "significant" removed
79	7.5 Biophysical Environmental Monitoring Programs and Management	<p>Comment "the developer's committed-to...monitoring programs"</p> <p>Recommendation Modify "the</p>	Feb 14: None	Feb 24: Edit not made

	Plans (pg.31)	adequacy of monitoring programs" to "the developer's committed to monitoring programs."		
80	7.5 Biophysical Environmental Monitoring Programs and Management Plans (pg.32)	<p>Comment Is the Review Board in a position prior to the conduct of this assessment to deem the existing "response framework" adequate and preferable for future monitoring? We think not. Reference to "new project components... with the developer identifying in the DAR any needed improvements and alterations/additions to the existing Response Framework, and providing parties with enough information about the existing and proposed Response Framework to conduct independent review of same."</p> <p>Recommendation None</p>	<p>Feb 14: The proponent believes this recommendation is adequately addressed in the draft TOR as currently worded.</p>	<p>Feb 24: Modifications to the Response Framework will be considered fully during water licensing</p>
81	7.5 Biophysical Environmental Monitoring Programs and Management Plans (pg.32)	<p>Comment For greater clarity, recommend adding "physical and biophysical".</p> <p>Recommendation Modify sentence "From all other valued components" to "For all other physical and biological</p>	<p>Feb 14: None</p>	<p>Feb 24: Edit made</p>

		valued components".		
82	8. Impacts on the Human Environment (pg.33)	Comment "Potentially affected...communities" Recommendation Modify sentence from "with communities" to "with potentially affected communities"	Feb 14: None	Feb 24: Edit made
83	8. Impacts on the Human Environment (pg.33)	Comment Report... and where the Project would contribute to an existing impact or create a new one, to identify appropriate mitigation and monitoring mechanisms. Current text lends itself to interpretation that the developer is not responsible for socio-economic impacts and that this would merely be a descriptive portion of the DAR. That would not constitute adequate SEIA. Recommendation Add to the end of the sentence "... and where the Project would contribute to an existing impact or create a new one, to identify appropriate mitigation and monitoring mechanisms."	Feb 14: The proponent agrees that if new socio-economic (social, cultural, economic, etc.) impacts were predicted as a result of the proposed project than it would be appropriate for mitigation and monitoring mechanisms to be discussed and evaluated within the Developer's Assessment Report.	Feb 24: Text added as recommended
84	8.1.1 Maximizing Benefits to Communities (pg.34)	Comment "list...and provide non-confidential details re: ...all"	Feb 14: None	Feb 24: Text added as recommended

		Recommendation Modify sentence from "list all current" to "list and provide non-confidential details"		
85	8.1.1 Maximizing Benefits to Communities (pg.34)	<p>Comment Reference should be made to the success levels of past and existing initiatives to improve recruitment, retention and advancement of workers from potentially-affected communities, prior to identifying necessary and committed to actions by the developer.</p> <p>Recommendation Reference should be made to the success levels of past and existing initiatives to improve recruitment, retention and advancement of workers from potentially-affected communities, prior to identifying necessary and committed to actions by the developer.</p>	Feb 14: The proponent believes this analysis of recruitment and retention is adequately addressed in the draft TOR as currently worded.	Feb 24: Text added to last bullet
86	8.1.1 Maximizing Benefits to Communities (pg.34)	<p>Comment Recommend slight revision to "commitments for any further...training"</p> <p>Recommendation Modify sentence from "commitments for any training" to "commitments for any further</p>	Feb 14: The proponent believes this recommendation is adequately addressed in the draft TOR as currently worded.	Feb 24: No change made

		training".		
87	8.2.1 Impacts to Cultural Aspects from Project Components (pg.34)	<p>Comment "including special emphasis on traditional land use and occupancy by members of potentially-affected communities." This specific reference should be included to emphasize the importance of traditional land use and occupancy herein.</p> <p>Recommendation Add to the end of the sentence "including special emphasis on traditional land use and occupancy by members of potentially-affected communities." This specific reference should be included to emphasize the importance of traditional land use and occupancy herein.</p>	Feb 14: The proponent believes this recommendation is adequately addressed in the draft TOR as currently worded.	Feb 24: Text added as requested
88	8.2.2 Impacts to Employment and Business Opportunities (pg.35)	<p>Comment ADDITIONAL DISTINCTION between this line item (which seems to refer to NWT in general) from the KLI above (which is focused on the potentially affected communities, and we suggest, rightly so) may be required in the introduction to this section.</p> <p>Recommendation Incorporation of an additional distinction between this line</p>	Feb 14: None	Feb 24: Combined into Section 8.1.1

		item from the KLI above may be required in the introduction to this section.		
89	8.2.2 Impacts to Employment and Business Opportunities (pg.35)	<p>Comment Reference to "as practical" here is not necessary. It is recognized that all EA predictions are estimates, and the developer has already been instructed to identify any factors influencing uncertainty of outcomes for all KLIs and SofNs. please remove.</p> <p>Recommendation Remove "as practical" from the sentence.</p>	Feb 14: None	Feb 24: "as practical" removed
90	8.2.2 Impacts to Employment and Business Opportunities (pg.35)	<p>Comment "and trends over time during the life to date of the diamond mining economy."</p> <p>Recommendation Add to the end of the sentence "and trends over time during the life to date of the diamond mining economy."</p>	Feb 14: Refer to proponent's response to TLPD Comment #38.	Feb 24: Text added to reflect comment
91	8.2.2 Impacts to Employment and Business Opportunities (pg.35)	<p>Comment Recommend "local, regional and territorial businesses, including prediction fo the proportion that can be sourced from Aboriginal-owned business ventures." such an actual prediction is not required in the next bullet point.</p> <p>Recommendation Modify</p>	Feb 14: The proponent would like to reassure the reviewer the Northwest Territories is the region referred to in the current text. The proponent would also point out that only a qualitative discussion regarding Aboriginal-owned business can be provided. We could discuss what is currently occurring but this information specific to Aboriginal-owned businesses is lacking and a quantitatively determination would not be possible.	Feb 24: text added for aboriginal owned businesses

		<p>sentence to read "local, regional and territorial businesses, including prediction for the proportion that can be sourced from Aboriginal-owned business ventures."</p>		
92	<p>8.3 Human Environment Monitoring and Management Plans (pg. 36)</p>	<p>Comment Recommend adding "social impacts in the potentially-affected communities". Recommendation Add to the end of the sentence "social impacts in the potentially-affected communities".</p>	<p>Feb 14: The proponent is unclear as to what sentence on page 36 the reviewer would like altered. However, the proponent would like to clarify that no social impacts are anticipated in relation to the Jay-Cardinal Project, because the project is an extension of a stable operating mine. We believe this recommendation is adequately addressed in the draft TOR as currently worded.</p>	<p>Feb 24: "worker and family wellness" covers this recommendation</p>
93	<p>10. Cumulative Effects (pg.36)</p>	<p>Comment the...committed-to... Means. Recommendation Modify the sentence from "identifying the means" to "identifying the committed means"</p>	<p>Feb 14: The proponent believes this recommendation is adequately addressed in the draft TOR as currently worded.</p>	<p>Feb 24: Text added as requested</p>
94	<p>11. Accidents and Malfunctions (pg.37)</p>	<p>Comment Reference to the likelihood, severity, and management and avoidance plans for accidents during materials transport, including along the winter road and along the haul road, should be added here. Recommendation Sentence should include a reference to the likelihood, severity, and</p>	<p>Feb 14: The proponent believes this recommendation is adequately addressed in the draft TOR as currently worded.</p>	<p>Feb 24: "materials transport" added</p>

		management and avoidance plans for accidents during materials transport, including along the winter road and along the haul road.		
95	12. Closure and Reclamation (pg.37)	<p>Comment TG may want to request that all likely changes to the IRCP be identified in an appendix to the DAR. keep it simple; show us how the IRCP will change, ASAP.</p> <p>Recommendation TG may want to request that all likely changes to the IRCP be identified in an appendix to the DAR. keep it simple; show us how the IRCP will change, ASAP.</p>	Feb 14: The proponent believes this recommendation is adequately addressed in the draft TOR as currently worded.	Feb 24: No change
96	12. Closure and Reclamation (pg.38)	<p>Comment Special emphasis should be given in the ToR for the developer to identify how it engaged potentially-affected communities in the identification of end land and water use objectives for reclamation.</p> <p>Recommendation Special emphasis should be given in the ToR for the developer to identify how it engaged potentially-affected communities in the</p>	Feb 14: The proponent believes this recommendation is adequately addressed in the draft TOR as currently worded.	Feb 24: Section 12 point 12 added

		identification of end land and water use objectives for reclamation.		
97	12. Closure and Reclamation (pg.38)	<p>Comment Additional reference should be given to requirements for: 1) conceptual images of different stages of the affected area post mining, including images of what the area will look like at the end of active mining, after major reclamation activities are complete, and 10, 25 and 50 years later; 2) estimation of the time line until natural environmental conditions (if ever) are predicted to be reestablished. 3) identification of long-term monitoring requirements, including an estimated life span and required financial commitments for same.</p> <p>Recommendation Additional reference should be given to requirements for: 1) conceptual images of different stages of the affected area post mining, including images of what the area will look like at the end of active mining, after major reclamation activities are complete, and 10, 25 and 50</p>	<p>Feb 14:</p> <p>The proponent believes this recommendation is adequately addressed in the draft TOR as currently worded.</p>	<p>Feb 24: Section 12 point 11 added</p>

		years later; 2) estimation of the time line until natural environmental conditions (if ever) are predicted to be reestablished. 3) identification of long-term monitoring requirements, including an estimated life span and required financial commitments for same.		
Yellowknives Dene First Nation: Todd Slack				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Response
1	Section 1.2, Appendix A, amongst others	Comment noting the possibility of further underground mining' Recommendation YKDFN, understand the uncertainty but wish to be clear that to date there has been effectively no information conveyed on the underground mining approach to date, other than the possibility.	Feb 14: The proponent would like to direct the reviewer to the conceptual designs for the underground workings provided in the Project Description. We believe this recommendation is adequately addressed in the draft TOR as currently worded.	Feb 24: "underground mine operations" added
2	Section 2.2	Comment "DDEC will make all reasonable efforts to assist in the collection and consideration of Traditional Knowledge..." Recommendation YKDFN have limited resources to collect information related to	Feb 14: None	Feb 24: "provide assistance" added

		the project. If TK needs to be gathered, it must be done with project or outside support.		
3	None	Comment None Recommendation Suggest that this is altered such that the onus is not solely on the First Nation. "DDEC will make reasonable assistance available for efforts to collect Traditional Knowledge..."	Feb 14: The proponent recognizes that the onus is equally shared.	Feb 24: Comment acknowledged
4	Section 2.2 (p6)	Comment "DDEC will make all reasonable effort to incorporate traditional knowledge..." Recommendation If traditional knowledge and western science are to be considered in the assessment of impacts, the incorporation of traditional knowledge should not be optional.	Feb 14: The proponent believes this recommendation is adequately addressed in the draft TOR as currently worded.	Feb 24: keep "all reasonable efforts" but remove "where possible"
5	None	Comment None Recommendation Should read "DDEC will incorporate traditional knowledge..."	Feb 14: The proponent believes this recommendation is adequately addressed in the draft TOR as currently worded.	Feb 24: see above
6	Section 2.3 (p6), bullet 1	Comment The results of engagement should be jointly agreed upon, similar to the example found in the Mackenzie Valley Land and Water Board's engagement	Feb 14:	Feb 24: The developer will follow the Engagement and Consultation Policy (2013) listed in

		<p>guidelines.</p> <p>Recommendation Suggest bullet 1 be added to: "Where requested, the proponent and the party shall develop a jointly agreed upon document which describes the results of the engagement"</p>	<p>The guidelines provide valuable context that the proponent already implements across its current operation and will continue to be used in developing an approach for working with communities. The proponent understands the benefit of having mutually agreed upon engagement approaches. However, the proponent cannot be held responsible if other parties choose not to participate in a way that facilitates the completion of this activity. The proponent believes this recommendation is adequately addressed in the draft TOR as currently worded.</p>	<p>Appendix B. Section 2.3 "reviewed and jointly agreed upon with parties if possible" added</p>
7	Section 3.2.3 Key Lines of Inquiry	<p>Comment Keyline 5 only discusses the maximizing of benefits to communities, it does not result in the assessment of impacts that may be occurring.</p> <p>Recommendation Suggest that the focus be amended to "Maximizing Benefits and minimizing impacts to communities"</p>	<p>Feb 14: This is the wording already provided in the Terms of Reference on page 33, under section 8 (2nd paragraph) "The developer is encouraged to work with communities and responsible government authorities to identify valued components of the human environment, appropriate indicators and sources of information to measure change, pathways by which change may likely occur, and mitigation and monitoring strategies that may be required to maximize benefits and minimize adverse impacts." We believe this recommendation is adequately addressed in the draft TOR as currently worded.</p>	<p>Feb 24: Addition made to Section 8.1.1</p>
8	Section 3.2.4 Subjects of Note	<p>Comment Does not reference human/community subjects of note in section 8</p> <p>Recommendation please reference</p>	<p>Feb 14: None</p>	<p>Feb 24: "and 8" added</p>
9	Section 3.5 Temporal	<p>Comment "and extends until</p>	<p>Feb 14:</p>	<p>Feb 24: Addressed</p>

	Scope (p12)	no potentially significant adverse impacts are predicted" Recommendation If potentially significant adverse impacts are predicted, then its not clear why this project would be approved. Suggest that this could be reworded with a passage that recognizes the reconnection to Lac du Sauvage and the re-establishment of Lake Trout populations that are representative of pre-development conditions	The proponent believes this recommendation is adequately addressed in the draft TOR as currently worded.	in 2nd paragraph
10	Section 5.1.1 Biophysical Environment (also s7.3), item 9c	Comment The language does not reflect the importance of caribou crossings in the area. The narrows between LdG and LdS is an example of where caribou have crossed for generations. The caribou crossing across the island is blocked by Diavik. Recommendation The migration routes should have a bullet that focuses the project to describe the historical crossing patterns in the LdG-LdS area.	Feb 14: The proponent believes this recommendation is adequately addressed in the draft TOR as currently worded.	Feb 24: "current and historic" added
11	Section 5.1.1 Biophysical	Comment None Recommendation The	Feb 14:	Feb 24: addressed in TOR

	Environment (also s7.3), item 9e	impacts to the migration patters should be considered after the construction of the mines, particularly as the population was rapidly declining.	The proponent believes this recommendation is adequately addressed in the draft TOR as currently worded.	
12	Section 5.1.2 Human Environment, item 19	Comment By treating the potentially affected communities as a whole, the small communities will be lumped with Yellowknife, and the socio economic trends that may be present will be lost amongst a much larger population Recommendation Keep small communities as distinct entities, otherwise their signal is lost in the noise of Yellowknife.	Feb 14: In relation to the existing environment socio-economic conditions the assessment could characterize the potentially-impacted communities separately and a qualitative discussion that frames which communities are affected most could be provided. However, a completely separate impact assessment will not be completed for each community. We believe this recommendation is adequately addressed in the draft TOR as currently worded.	Feb 24: Comment acknowledged
13	Section 5.1.2 Human Environment, item 22	Comment Tradtional harvesting is significantly reduced by the infringement of Treaty Rights. Recommendation This focus should have two periods, one prior to the imposition of harvesting restrictions, one afterwards.	Feb 14: The proponent is interpreting the comment as referring to harvesting restrictions imposed by the Government of the Northwest Territories. A discussion on these harvesting restriction will be provided as part of the assessment. However, the evaluation of the effects of these policies is more properly done by Government and would not be appropriate for the environmental assessment. Therefore, the proponent does not see any added value in having two assessment periods.	Feb 24: "including harvest restrictions" added
14	Section 5.1.2 Human	Comment The description of	Feb 14:	Feb 24: Section

	Environment	<p>the human environment lacks specifics on how the project can assess the community structure</p> <p>Recommendation Include specific examples such as family health, community wellbeing, etc.</p>	<p>The proponent would like to clarify that no social impacts are anticipated in relation to the Jay-Cardinal Project, as the project is an extension of a stable operating mine. We believe this recommendation is adequately addressed in the draft TOR as currently worded.</p>	8.1.1
15	Section 6.2 (Also 6.1, s23, s24)	<p>Comment The project has a history that we can use to evaluate their operations.</p> <p>Recommendation In the same vein as other sub-chapters, add a section that discusses the past compliance of the project to provide employment and contracting as committed to within their existing socio-economic agreement.</p>	<p>Feb 14: The proponent would like to clarify that it is not appropriate to use the word "compliance" in regards to the socio-economic targets that are set out in the agreements established with potentially-impacted communities is not appropriate. The proponent's performance in regards to employment and contracting targets will be discussed as part of the DAR. We believe this recommendation is adequately addressed in the draft TOR as currently worded.</p> <p>Feb 14: The proponent would like to clarify that it is not appropriate to use the word "compliance" in regards to the socio-economic targets that are set out in the agreements established with potentially-impacted communities is not appropriate. The proponent's performance in regards to employment and contracting targets will be discussed as part of the DAR. We believe this recommendation is adequately addressed in the draft TOR as currently worded.</p>	Feb 24: This topic is discussed in SECTION 8.1.1
16	Section 6.3 (also 6.1, s1)	<p>Comment None</p> <p>Recommendation Provide thresholds which can be used to clearly indicate when the</p>	<p>Feb 14: Milestones, goals, and/or objectives could be provided that are associated with certain project phase targets. We believe this recommendation is adequately</p>	Feb 24: "long-term monitoring" added

		project will be considered to have moved from one phase to another - for example, from closure to long term monitoring.	addressed in the draft TOR as currently worded.	
17	Section 7.1 Effects Assessment, bullet 1	Comment Ensure that TK is used in effects assessment Recommendation Change to "the developer will use western science and traditional knowledge to present quantitative..."	Feb 14: The proponent believes this recommendation is adequately addressed in the draft TOR as currently worded. We would also prefer not to refer to scientific data collection, which can come from all over the world, as "western science" but rather as "science."	Feb 24: "use science and traditional knowledge" added
18	Section 7.2 Cumulative Effects	Comment This is just one mine amongst a number - the impacts are felt in communities and families as well - which is different than cultural aspects. Recommendation Include a bullet for "Community and Family Health"	Feb 14: The proponent would like to clarify that no social impacts are anticipated in relation to the Jay-Cardinal Project, as the project is an extension of an existing operating mine. The proponent believes this recommendation is adequately addressed in the draft TOR as currently worded.	Feb 24: Section 8.1.1 social impacts
19	Section 7.3.1.1 Impacts to water quality, item 2	Comment Ensure that the water quality meets YKDFN expectations post closure. Recommendation Insert a bullet that directs the developer to ensure that the post closure water quality does not simply support aquatic life, but is reflective of the current quality and clean nature of Lac du Savage.	Feb 14: The proponent disagrees with the recommendation changing appropriate closure end points. The end points will be reflective of those currently identified in the IRCP for the Ekati Mine.	Feb 24: This will be addressed in the Board's Report of EA
20	Section 7.3.3 Impacts	Comment the current	Feb 14:	Feb 24:

	to caribou, bullet 2	<p>approach does not have any particular focus on the nature of impacted caribou crossings.</p> <p>Recommendation The project should be directed to have a particular focus on the caribou crossings in the area and the direct and indirect impacts that may occur as a result of the operations and the rock piles.</p>	The proponent believes this recommendation is adequately addressed in the draft TOR as currently worded.	Adequately addressed in TOR
21	Section 7.4.1 Air Quality	<p>Comment "demonstrate the manner in which the developer will minimize these emissions and their impacts to the environment"</p> <p>Recommendation "demonstrate how the developer will show compliance with existing national standards, the manner in which the developer will minimize these emissions and their impacts to the environment"</p>	<p>Feb 14: The proponent believes this recommendation is adequately addressed in the draft TOR as currently worded.</p>	Feb 24: "show compliance with national standards" added
22	Section 8.1.1	<p>Comment This KLI only considers half the equation that communities are facing - the benefits. This approach means turning a blind eye to the other half of the equation - the impacts that are occurring in the communities. Failing to</p>	Feb 14:	Feb 24: 8.1.1 social impacts added

		<p>address or acknowledge this aspect means that the full range of available benefits will not be realized.</p> <p>Recommendation The Terms of Reference must include community health aspects - else we are all failing to properly assess the full range of impacts (the positive AND the negative). This includes family health, community well being, lifestyle challenges and many other barriers that prevent impacts from accruing to the communities.</p>	<p>The proponent believes this recommendation is adequately captured in the draft TOR Section 8 and no additional language is necessary. The proponent acknowledges the social and cultural effects of industry within the potentially-impacted communities and the region. Further, the proponent intends to provide the available information pertaining to these effects, as well as a thorough discussion, in the Developer's Assessment Report. However, as the project is an extension of an existing operating mine, minimal additional changes to existing socio-economic conditions are anticipated in relation to the Jay-Cardinal Project. The proponent would also note that the community health aspects identified cannot be solely addressed in the context of one project and requires a collaborative effort from government, other industrial developers and First Nations communities in the region.</p>	
23	Section 8.2.1	<p>Comment bullet 3, typo</p> <p>Recommendation correct typo</p>	<p>Feb 14:</p> <p>None</p>	Feb 24: edit made
24	Section 8.2.1 Cultural Aspects (p35)	<p>Comment This should include an assessment of harvesters perception of the area post closure. If the desirability of the area is low or nil, then we must recognize this as a closure limitation and seek mitigations</p> <p>Recommendation "Provide a prediction of the post-closure desirability of this area relative</p>	<p>Feb 14:</p> <p>The proponent would like to reassure the reviewer that the long-term impacts to land use (including aesthetic value) will be assessed as part of the environmental assessment of the project; however, the proponent would refrain from making a judgment call in relation to the acceptability or perceived desirability of the predicted impacts. We believe this recommendation is adequately addressed in the draft TOR as currently worded.</p>	Feb 24: text added to 3rd last bullet

		to unimpacted areas"		
25	Section 8.2.1 Impacts to employment	<p>Comment This should be particularly focused on a labour market that has limited growth in the future, but is going to feature an increasing number of projects.</p> <p>Recommendation All analysis and assessments should be done reflective of the ongoing cumulative economic picture.</p>	<p>Feb 14: The proponent believes this recommendation is adequately addressed in the draft TOR as currently worded.</p>	<p>Feb 24: Addressed in this section</p>
26	Section 8.2.1 Impacts to employment	<p>Comment It would be valuable if the project undertakes work to examine how and why particular mines are favoured by some communities. Is this happenstance or are there facets that can be exported to aide the participation rate across communities.</p> <p>Recommendation Add a bullet that looks at worker choice amongst options - For example, amongst some communities Ekati is more popular selection - what makes it more desirable than other sites?</p>	<p>Feb 14: The proponent disagrees with this recommendation and does not see any added value in incorporating this information into the requirements of the environmental assessment for the Jay-Cardinal Project. Further, to collect this information significant time would be required to obtain the necessary research permits, to develop an unbiased sampling procedure, and to gain cooperation from other operations that would be assessed.</p>	<p>Feb 24: Not appropriate - not included</p>
27	Section 8.2.2 Impacts to employment	<p>Comment The last bullet should be improved to recognize that as demand</p>	<p>Feb 14:</p>	<p>Feb 24: The last bullet addresses this request</p>

		<p>grows we need mechanisms to track and encourage northern participation. Otherwise, the risk is that the dollars simply flow south, as in the past.</p> <p>Recommendation The last bullet should be improved to recognize that as demand grows we need mechanisms to track and encourage northern participation. Otherwise, the risk is that the dollars simply flow south, as in the past.</p>	<p>A qualitative discussion can be provided as to what currently is being undertaken by the proponent to encourage northern participation in the industry. However, mechanisms to track and encourage northern participation in industry within the region is more appropriately the role of government and not the proponent's responsibility.</p>	
28	Section 11 Accidents and Malfunctions	<p>Comment There's no rearward looking analysis of the companies operation and any potential trends.</p> <p>Recommendation The risk assessment discussed in point 1 should include an analysis of the operations of Ekati mine, considering trends at site and in comparison to the other industrial operations in the territory.</p>	<p>Feb 14: Any relevant lessons learned in relation to the existing operations will be integrated and will be transparently provided in the Developer's Assessment Report. We believe this recommendation is adequately addressed in the draft TOR as currently worded.</p>	<p>Feb 24: Adequately addressed in TOR</p>