

**EA1314-01 Jay-Cardinal Project - Dominion Diamond Mines  
Developers Draft Terms of Reference - Review Comment Summary Table**

GENERAL INSTRUCTIONS FOR EXCEL TEMPLATE:  
 1. Do not leave blank rows above or between comments.  
 2. Do not modify the instructions or the column headings (i.e. the top three rows).  
 3. Each comment must have a response.  
 4. All formatting will be lost when this file is uploaded to the Online Comment Table.  
 5. If necessary, adjust the cell width and height in order to view all text.

ID	Reviewer	Topic	Comment	Recommendation	Proponent Response	Board Response Responses should be as specific as possible, referring directly to the Comment/Recommendation.
1	CanNor NWT Region: Marie Adams	AANDC -1 General Comment	DDEC has proposed this Draft Terms of Reference to the MVEIRB for consideration. At this time, AANDC will not provide detailed comments on DDEC's proposed Draft Terms of Reference. AANDC will monitor the MVEIRB's public issue scoping sessions and will provide feedback on the MVEIRB's official Draft Terms of Reference that includes consideration of the issues identified at those sessions.	NA	Jan 5: No response required.	Comment acknowledged
2	CanNor NWT Region: Marie Adams	DFO-1 Page 5, Section 2.3 - Geographic Scope	Item #3 in the list of minimum geographic scope does not specifically include Lac du Sauvage proper or Duchess Lake. The area draining into Lac du Sauvage is included, and the area downstream, but de-watering will have impacts on the lake itself.	Include Lac du Sauvage proper.	Jan 5: DDEC acknowledges that Lac du Sauvage should be included.	added to Terms of Reference Section 3.4
3	CanNor NWT Region: Marie Adams	DFO-2 Page 11, Section 3.2.4 - Description of the Existing Environment	Item #6 (the second of two items numbered 6) regarding aquatic habitat and aquatic organisms in the environmental assessment study area does not include waterbodies upstream of the site. With a large portion of Lac du Sauvage being de-watered, fish access to lakes connected to (i.e. upstream of) Lac du Sauvage may be lost.	Add "upstream" to the sentence "Include water bodies on the site, and downstream to the extent of predicted impacts."	Jan 5: DDEC has no objection to this clarification.	added to Terms of Reference Section 5.1.1
4	CanNor NWT Region: Marie Adams	DFO-3 Page - 18 KLI-1 Impacts to water quality from project components	As there is water flow manipulation on this site, "upstream" should be included not just downstream as there may be upstream impacts.	Add "upstream" so the sentence says "For the locally impacted watershed and impacted upstream/downstream water bodies..."	Jan 5: DDEC has no objection to this clarification.	added to Terms of Reference Section 7.3.1
5	CanNor NWT Region: Marie Adams	DFO-4 Page 30 - Appendix B: Guidelines for Monitoring and Management Programs	Fisheries and Oceans Canada has developed a new tool, "Measures to Avoid Causing Harm to Fish and Fish Habitat", available online at: <a href="http://www.dfo-mpo.gc.ca/pnw-ppe/measures-mesures/index-eng.html">http://www.dfo-mpo.gc.ca/pnw-ppe/measures-mesures/index-eng.html</a> .	Change heading of "Department of Fisheries and Oceans" to the proper format of "Fisheries and Oceans Canada". Add "Measures to Avoid Causing Harm to Fish and Fish Habitat" to the list of reference documents under Fisheries and Oceans Canada.	Jan 5: DDEC acknowledges that the appropriate name for Fisheries and Oceans Canada and the appropriate document reference as provided should be used in the TOR.	change made in Appendix
6	CanNor NWT Region: Marie Adams	TC-1 3.3.2 Impacts on the human environment	Does not address Transport Canada's mandate	Describe any change in the environment which may in turn impact navigation on navigable waterways.	Jan 5: DDEC acknowledges that such changes should be considered.	added to 8.2.1
7	CanNor NWT Region: Marie Adams	TC-2 3.3.2 Impacts on the human environment	Does not address Transport Canada's mandate	Describe the results of Aboriginal consultation specifically related to navigation on navigable waterways in the project area.	Jan 5: The Record of Engagement will describe the results of all Aboriginal engagement, including any concerns regarding navigation on navigable waterways in the project area. The holistic nature of community engagement discussions on a Project such as Jay-Cardinal support the development of a single Record of Engagement that serves a number of topic areas.	not added as included in DDEC Record of Engagement
2	Environment Canada: Sarah-Lacey McMillan	General	Editorial: "rational" should be replaced with "rationale" in several instances.	None	Jan 3: Acknowledged.	Acknowledged
3	Environment Canada: Sarah-Lacey McMillan	Section 3.2.4 Description of the Existing Environment - Biophysical Environment (page 11, item 9.c.)	It states "describe each species in terms of the requirements listed in item #10 above". Is this an error in itemizing, should it read item #8?	Editorial: clarification required on reference made in item 9.c.	Jan 3: DDEC confirms that this statement should reference item #8, not item #10.	Corrected
4	Environment Canada: Sarah-Lacey McMillan	Section 3.3.1.2 Subjects of Note (SoN) - SoN-4 Impacts to wildlife and wildlife habitat from project components	Further additions to the description (incorporating seasonal variation and the sensitivities of specific life cycle stages) of the impacts to all wildlife value components, species-at-risk, and respective habitats from project-related changes.	SoN-4 should include a sub-bullet outlining the "potential for disruption to predator-prey relationships"	Jan 3: DDEC does not object to this clarification.	added to Terms of Reference 7.4.3
5	Environment Canada: Sarah-Lacey McMillan	Section 3.3.1.2 Subjects of Note (SoN) - SoN-4 Impacts to wildlife and wildlife habitat from project components	Further additions to the description (incorporating seasonal variation and the sensitivities of specific life cycle stages) of the impacts to all wildlife value components, species-at-risk, and respective habitats from project-related changes: fifth bullet "potential for disruption of animal movements and migration patterns"	SoN-4, fifth bullet should include "population cycles, home ranges distribution and abundance"	Jan 3: DDEC does not object to this clarification. Also see Response to IEMA 10.	added to Terms of Reference 7.4.3
6	Environment Canada: Sarah-Lacey McMillan	Section 2.3 Geographic Scope - (page 5, item 4)	Due to the diversion of water to surrounding water bodies, the quantity of water should be included as a reasonable foreseeable Project-related impact.	Change the end of this item to "...including those on water quality, water quantity, fisheries, and the human environment."	Jan 3: DDEC does not object to this clarification.	added to 3.4
7	Environment Canada: Sarah-Lacey McMillan	Section 3.2.4 - (page 10, item 5)	The list of parameters is reasonably comprehensive but could be more efficiently expressed.	Bullets could 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, nitrate, nitrite, TKN) Hydrocarbons	Jan 3: DDEC does not object to this clarification.	reorganized as suggested in 5.1.1

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8	Environment Canada: Sarah-Lacey McMillan	Section 3.2.4 Description of the Existing Environment - Biophysical Environment (page 11, item 6)	The aquatic habitats and organisms assessed should include those organisms in surrounding water bodies expected to be affected by the influx of water, as well as the water regimes on the project site and downstream.	Add to the end of the second sentence "...and surrounding water bodies likely to experience changes to water quantity due to the Project." In addition an editorial: correct duplicate numbering.	Jan 3: DDEC does not object to this clarification.	added to 5.1.1
9	Environment Canada: Sarah-Lacey McMillan	Section 3.2.4 Description of the Existing Environment - Biophysical Environment (page 12, item 12.b)	It would be useful to specify characterization.	Add "including particle size analysis and total metals..."	Jan 3: DDEC does not object to this clarification.	added to 5.1.1
10	Environment Canada: Sarah-Lacey McMillan	Section 3.3.1.1 Key Lines of Inquiry (page 18, item KLI-1)	The effects of rewatering of the lake after mining is complete should be included in this section.	Include a bullet outlining "closure hydrology issues associated with water sources used during rewatering of Lac du Sauvage".	Jan 3: DDEC has no objection to this clarification. Also see Responses to IEMA 29 and 30.	added to 7.3.1
11	Environment Canada: Sarah-Lacey McMillan	Section 3.3.1.1 Key Lines of Inquiry (page 18, item KLI-2)	Treatment contingencies should be identified for all phases of the water management activities.	Add a statement in the paragraph: Estimates of predicted contaminant concentrations should include a description of any mitigation or treatment used in predicting levels.	Jan 3: DDEC does not object to this clarification.	added to 7.3.1
12	Environment Canada: Sarah-Lacey McMillan	Section 3.3.1.1 Key Lines of Inquiry (page 18, item KLI-2)	The rewatering of the lake after mining is complete should be included in this section.	Include a bullet outlining "water quality during rewatering of Lac du Sauvage".	Jan 3: DDEC does not object to this clarification.	added to 7.3.1
1	GNWT - Environment and Natural Resources: Joel Holder	Section 3.2.5 Development Description, Existing infrastructure... (page 14)	The winter road is a contributor to cumulative effects and needs to be assessed. Winter road contributes to access issues associated with caribou hunting	The developer should provide information on the management and operations of the existing winter road and how operations may change in providing support to the development of the Jay-cardinal Project.	Jan 5: DDEC acknowledges that information on the Project's use of the Tibbett-Contwoyto Winter Road is relevant to the Project Assessment. The TCWR is managed by a Joint Venture, and not by DDEC.	added to 6.2 #36
2	GNWT - Environment and Natural Resources: Joel Holder	Section 3.3.1.2 SON-1 Impacts to air quality from project components	<ul style="list-style-type: none"> <li>The proponent discuss incineration emissions and the accumulation of emissions (dioxans, furans, metals etc.) temporally over the project's life span. Because Dioxins and furans are a persistent contaminant of concern (which have been shown to be occurring at the EKATI site due to incineration), an additional 20 years of deposition may cause additional loading on the environment if managed improperly.</li> <li>Emissions from use of heavy equipment, vehicle, and stationary combustion equipment highlighting how these emissions will be minimized.</li> <li>Emissions from increased temporally due to the extended activities at existing facilities, including: process emissions, electrical generation emissions, heating/cooking/incineration emissions affiliated with additional persons in camp how will this be minimized over time.</li> </ul>	1) Proponent quantify emissions (incinerator, heavy equipment etc.) and the accumulation of those emissions in the environment (Dioxins Furans, metals, etc), and demonstrate the manner in which the Proponent will minimize these emissions and their impacts to the environment.	Jan 5: DDEC acknowledges that information on emissions from these sources relative to potential environmental effects, and information on management actions to reduce emissions is relevant to the Project Assessment.	added to 7.4.1
3	GNWT - Environment and Natural Resources: Joel Holder	Section 3.3.2.2 SoN-6 Impacts to cultural aspects from project components, Final Bullet (page 23)	"For visual and audible changes:" Sentence is missing the ending after colon.	Provide completed sentence.	Jan 5: The missing text is as follows "describe any potential impacts, any measures taken to minimize disturbance, and how any remaining sensory changes will affect the traditional users' experience within the potentially affected land use areas."	sentence added
4	GNWT - Environment and Natural Resources: Joel Holder	Section 3.3.2.2 SoN-7 Impacts to employment and business opportunities, 2nd bullet (page 24)	Proponent should provide better definition of who NWT aboriginal residents are and what they consider affected communities. This section should also explain not only employment percentage for aboriginal residents but other non-aboriginal residents as well.	Add the bold underlined words. "An assessment of the likely percentage of direct employment for Northwest Territories Aboriginal residents and other NWT residents at the project for the extent of the life of the mine and for each phase."	Jan 5: DDEC has no objection to this clarification. Projections of future hiring possibilities is dependent on many factors, many of which are outside of the Company's direct control.	added in 8.2.2
5	GNWT - Environment and Natural Resources: Joel Holder	Section 3.3.2.2 SoN-7 Impacts to employment and business opportunities, final bullet (page 24)	The focus should not only be on maximizing local and regional business capacity but also local and regional employment.	Add the bold underlined words. "The developer's future commitments for any training, education, or other improvements necessary to maximize local and regional employment and business capacity to benefit from the project."	Jan 5: DDEC sees no need for this additional wording as local and regional employment commitments are fully captured in the other bullets immediately above this item in Sec 3.3.2.2. Economic capacity building in northern communities includes all of business, contracting and employment opportunities with appropriate training and support. DDEC cautions against a specific focus on employment at the expense of other aspects of economic capacity building and the bullets as currently written are intended to provide appropriate information on all these aspects as part of the EA.	added in key line of inquiry 8.1
6	GNWT - Environment and Natural Resources: Joel Holder	Section 3.3.2.3 Human environment monitoring and management plans	The developer should also provide information on the success of recruiting local and regional residents and Aboriginal people.	Include the bullet, "employee recruitment"	Jan 5: DDEC has no objection to this clarification.	added to 8.3
7	GNWT - Environment and Natural Resources: Joel Holder	Appendix B: Guidelines for Monitoring and Management Programs (page 30)	Indian and Northern Affairs Canada	This should be changed to "Aboriginal Affairs and Northern Development Canada"	Jan 5: DDEC acknowledges that the appropriate name for AANDC should be used in the TOR.	changed
1	Independent Environmental Monitoring Agency: Bill Ross	Origins of the Draft Terms of Reference	It would be helpful to know whether DDEC used other Terms of Reference as a model in drafting the version presented in its Project Description.	DDEC is requested to provide information on how it drafted the Terms of Reference and whether any specific models were used.	Jan 5: TOR issued by the MVRB for other recent northern mining developments (e.g., Fortune Minerals Ltd. NICO Cobalt-Gold-Bismuth-Copper Project, Avalon Rare Metals Incorporated's Thor Lake Rare Earth Element Project, DeBeers Gahcho Kué Project) were reviewed and used as a template for the Jay-Cardinal Project. DDEC provided the Draft TOR with the intent of further explaining its approach to the Jay-Cardinal Project and, possibly, as a helpful aid for the MVRB in issuing the TOR.	comment noted

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2	Independent Environmental Monitoring Agency: Bill Ross	s. 1.2 Referral to Environmental Assessment, footnote 1	In some cases it may be more appropriate to compare project-related changes or impacts to expected conditions without the project rather than compared to baseline conditions. For example, changes in caribou populations where the numbers increase and could be attributed to the project rather than natural trends.	Add "or expected conditions without the project, as may be appropriate to the context" to the end of the footnote."	Jan 5: DDEC has no objection to this clarification.	added to footnote 1.2
3	Independent Environmental Monitoring Agency: Bill Ross	s. 2.3 Geographic Scope, item 6	This section sets the minimum geographic scope for the EA. For greater certainty the geographic scope for cumulative effects on migratory species and species-at-risk should be set as their home range.	Add the following sentence at the end of item 6, "For the purposes of a cumulative effects assessment (s. 3.3.3), the range of any potentially affected species should be considered."	Jan 5: DDEC disagrees with the recommended addition to the TOR. For example, wolverine will be affected, and their range is the entire NWT, encompassing several populations. DDEC suggests adding the following sentence at the end of item 6: "For the purposes of a cumulative effects assessment, the local population of any potentially affected species should be considered."	3.4 includes both range (Bathurst caribou) and local population (bears, migratory birds)
4	Independent Environmental Monitoring Agency: Bill Ross	s. 2.3 Geographic Scope, second paragraph from end	This paragraph discusses the communities to be considered during the EA, but Bathurst Inlet and Umingmaktok, which use Bathurst caribou, are not included.	The DAR should explain why Bathurst Inlet and Umingmaktok (formerly Bay Chimo) were excluded or the second last sentence should be changed to read "This also included the communities of Kugluktuk, Bathurst Inlet and Umingmaktok, Nunavut."	Jan 5: The EA is scoped based on the currently established community linkages to the Ekati Mine. The communities of Umingmaktok and Bathurst Inlet are both considered abandoned according to the most recent census information (2011), which indicates the population of both is zero.	added - DDEC agreed to include during technical scoping meeting as there are seasonal residents
5	Independent Environmental Monitoring Agency: Bill Ross	s. 3.1.3 Assessing the Impacts of the Environment on the Development	This section sets out what impacts on the environment are to be assessed from the development. Given the central role that alternative means of carrying out the project should play in this EA, there should be specific reference to assessing the impacts from different alternatives.	The following words should be added at the end of the first sentence "and for the alternative means of carrying out the project as shown in s. 3.5 [or s. 3.3.1.1 Key Lines of Inquiry if the Alternative Means of Carrying Out the Project is move to this part of the ToR as recommended by the Agency below]" to cross-reference the section on Alternative Means of Carrying Out the Project.	Jan 5: DDEC disagrees with this additional wording; this section is for the Impact of the Environment on the Development. The environmental assessment should focus on the selected alternative. A robust alternatives assessment is provided for as per Section 3.5 of the draft TOR.	Alternatives analysis added as a key line of inquiry based on discussion during technical meeting and views expressed during community meetings Section 7.3.4
6	Independent Environmental Monitoring Agency: Bill Ross	s. 3.2.1 Summary Materials, item 1	The Weledeh dialect should be included in the languages for plain language materials.	Add Weledeh to the list of languages for plain language materials.	Jan 5: The Weledeh dialect can be included if requested.	added 2.4
7	Independent Environmental Monitoring Agency: Bill Ross	s. 3.2.4 Description of the Existing Environment	While the AEMP and WEMP are referenced, there is no mention of the Air Quality Monitoring Program which is an important part of site-wide monitoring for environmental impacts.	Add in "and the Air Quality Monitoring Program" to the end of the third sentence.	Jan 5: DDEC has no objection to this clarification.	added 5.1
8	Independent Environmental Monitoring Agency: Bill Ross	s. 3.2.4 Description of the Existing Environment	There is no mention of the need to properly state or qualify baseline data and information about the existing environment. It would be helpful for the Review Board and other parties to have a good understanding of the adequacy of baseline information to evaluate confidence intervals, uncertainties and related matter when making significance determinations.	Add the following part at the end of the first section: The developer should provide the following assessment of its baseline information in the describing the existing environment: (1) an assessment of the adequacy of the existing baseline dataset in terms of geographic coverage, certainty, how recently it was collected, whether there are any trends apparent, veracity of techniques, QA/QC and any other relevant matter; and, (2) a plan to supplement the baseline information before construction if necessary.	Jan 5: DDEC has no objection to this clarification.	added to 5.1
9	Independent Environmental Monitoring Agency: Bill Ross	s. 3.2.4 Description of the Existing Environment, Biophysical Environment, item 5	Total Suspended Solids should be included.	Add Total Suspended Solids to the list.	Jan 5: Total Suspended Solids are already on the list (see Sec 3.2.4, pg 10, point #5, bullet #10).	comment noted
10	Independent Environmental Monitoring Agency: Bill Ross	s. 3.2.4 Description of the Existing Environment, Biophysical Environment, item 8, 8c.	The movements of wildlife in this area should be documented, not just seasonal migrations. The scale of migration is larger than the scale of localized movements; both are important. Also, special emphasis should be placed on grizzly bears, since they have the ability to negatively interact with development.	Amend the wording of the first and second sentences of this item to read: " 8. Wildlife (including resident and migratory bird species), wildlife habitat, and movement/migration corridors. Special emphasis will be placed on key harvested species including caribou and furbearers, and grizzly bears." Similarly, amend the wording of 8c to read: "c. movement and migration routes, patterns, and timing including typical patterns and the range of known variation".	Jan 5: DDEC has no objection to this clarification.	added to 5.1.1 #9
11	Independent Environmental Monitoring Agency: Bill Ross	s. 3.2.4 Description of the Existing Environment, Biophysical Environment, item 9(c)	There is an error with the "#10" shown in this item.	Correct the number.	Jan 5: The number should be #8.	corrected
12	Independent Environmental Monitoring Agency: Bill Ross	s. 3.2.4 Description of the Existing Environment, Biophysical Environment, item 11(h)	Eskers are critical habitat for wildlife denning, migration and insect refuge, and should be clearly identified and discussed in the DAR.	Add the words: "including eskers" at the end of this item.	Jan 5: DDEC has no objection to this clarification.	added 5.1.1 #12
13	Independent Environmental Monitoring Agency: Bill Ross	s. 3.2.4 Description of the Existing Environment, Human Environment, item 24	It is important to document and understand past economic activities in the study area such as wildlife outfitting camps, fishing camps, mineral exploration sites and other possible disturbance to properly assess cumulative effects.	Amend the wording of this item to read: "24. Other past and current economic activities in the environmental assessment study area; and,"	Jan 5: DDEC has no objection to this clarification with the addition of the words "as appropriate" after "area".	added 5.1.2
14	Independent Environmental Monitoring Agency: Bill Ross	s. 3.2.5 Development Description, New Infrastructure, Facilities, and Management Plans Proposed as Part of the Project, item 3	It would be helpful to know the status of other regulatory applications a the time of the filing of the DAR to better understand timelines into the future.	At the end of this item, add the following words: "and the status of such instruments at the time of the DAR filing."	Jan 5: DDEC has no objection to this clarification with the addition of the words "as publicly available" after "instruments".	added 6.1
15	Independent Environmental Monitoring Agency: Bill Ross	s. 3.2.5 Development Description, New Infrastructure, Facilities, and Management Plans Proposed as Part of the Project, item 10	The Project Description notes that approximately 30% of the Jay waste rock will be PAG, and that this rock will be encapsulated with non-PAG granite, including a 5 m thick cover. While the volumes of available non-PAG seem adequate, the DAR should provide a schedule of annual waste rock production by waste rock type, such that it is demonstrated that sufficient non-PAG will be available in the final years of production to construct the appropriate cover.	Add the following wording at the end of item 10: "including a schedule that shows annual waste rock production by waste rock type, or other means of ensuring the availability of clean granite when needed".	Jan 5: DDEC has no objection to this clarification with the addition of the word "conceptually" between "that" and "shows". Operational scheduling is at a conceptual stage and necessarily evolves as detailed planning and mining proceed.	added 6.1

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16	Independent Environmental Monitoring Agency: Bill Ross	s. 3.2.5 Development Description, New Infrastructure, Facilities, and Management Plans Proposed as Part of the Project, item 11	It is important to know whether the developer intends to construct roads with any specific mitigation design features for wildlife, and to have more specific information on the anticipated vehicle use of the proposed roads.	Amend item 11 to read as follows: 11. The proposed new site access roads, including construction (width of right-of-way, road bed type, and any specific features to facilitate wildlife movements) and maintenance schedule, required construction material, techniques to minimize erosion and bank instability and the expected number of trips on the road (including number and types of vehicles), water crossings, as well as the type and weight of loads, any related storage, transfer and handling, etc;	Jan 5: DDEC has no objection to this clarification.	added 6.1
17	Independent Environmental Monitoring Agency: Bill Ross	s. 3.2.5 Development Description, New Infrastructure, Facilities, and Management Plans Proposed as Part of the Project, item 12	It is important to understand where the processed kimberlite will be deposited to properly assess alternatives and trade-offs during the EA.	Add the following words to the end of this item: "with locations and schedules for its management and disposal".	Jan 5: DDEC has no objection to this clarification with the addition of the word "conceptual" preceding the word "schedules". Operational scheduling, including FPK management, is at a conceptual stage and necessarily evolves as detailed planning and mining proceed.	added 6.1
18	Independent Environmental Monitoring Agency: Bill Ross	s. 3.2.5 Development Description, New Infrastructure, Facilities, and Management Plans Proposed as Part of the Project, item 13	The Project Description for the Jay-Cardinal Project discusses the need for pipelines and pumping stations and water management structures--additional detail on these should be presented in the DAR. A water treatment plant may be needed for the North Inlet or LLCFC as a result of this development--the economic and technical feasibility issues and should be discussed in more detail in the DAR.	Add the following words at the end of this item: "pipelines, pumping stations and potential contingency measures such as water treatment."	Jan 5: DDEC has no objection to this clarification.	added 6.1
19	Independent Environmental Monitoring Agency: Bill Ross	s. 3.2.5 Development Description, New Infrastructure, Facilities, and Management Plans Proposed as Part of the Project, item 15	It is important to know the decommissioning and reclamation plans for construction materials brought to the site.	Add the following words at the end of this item: "and ultimate removal or disposal plans of same".	Jan 5: DDEC has no objection to this clarification.	added 6.1
20	Independent Environmental Monitoring Agency: Bill Ross	s. 3.2.5 Development Description, New Infrastructure, Facilities, and Management Plans Proposed as Part of the Project, item 20	The routing and and general details of the proposed transmission line to the work site should be described.	Add the following words at the end of this item: "including any transmission lines and substations".	Jan 5: DDEC has no objection to this clarification.	added 6.1
21	Independent Environmental Monitoring Agency: Bill Ross	s. 3.2.5 Development Description; Existing Infrastructure, Facilities, and Management Plans Potential Relevant to the Proposed Extension Project, preamble	The developer states in its Project Description that existing facilities at the Ekati Mine will be used to the extent possible but it is necessary to know whether these facilities have the capacity to handle any additional workloads or materials that may come from Jay-Cardinal.	Amend the preamble to read as follows: "For previously assessed, existing, and approved facilities that are to be used as part of the Project, DDEC must provide a full description of the project component, how it will be used in the context of the proposed Project, capacity of existing facilities to handle the proposed Project, and any changes to the existing infrastructure or facilities that will occur as a result of the proposed development."	Jan 5: DDEC has no objection to this clarification.	added 6.2
22	Independent Environmental Monitoring Agency: Bill Ross	s. 3.2.6 Public Engagement, last bullet	Traditional Knowledge holders should be engaged in the design of monitoring programs, not just assessing baseline conditions and potential impacts.	Amend this last bullet to read: "How DDEC has engaged or intends to engage, traditional knowledge holders in order to collect relevant information for establishing baseline conditions and, assessing the effects of potential impacts and the design of monitoring programs, as well as a summary table indicating where and how in subsequent sections (3.3 to 3.7) traditional knowledge was incorporated, and who was consulted (see Review Board's Guidelines for incorporating Traditional Knowledge in Environmental Impact Assessment)."	Jan 5: DDEC has no objection to this clarification.	added 2.3
23	Independent Environmental Monitoring Agency: Bill Ross	s. 3.3 Impact assessment steps and significance determination factors, fifth bullet in the first list	In some cases it may be more appropriate to compare project-related changes or impacts to expected conditions without the project rather than baseline conditions. For example, changes in caribou populations where the numbers increase and could be attributed to the project rather than natural trends.	Amend the first sentence, fifth bullet in the first list, to read: "Compare the predicted impacts to pre-development conditions or conditions without the project, as appropriate."	Jan 5: DDEC has no objection to this clarification.	added

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24	Independent Environmental Monitoring Agency: Bill Ross	s. 3.3 Impact assessment steps and significance determination factors	While this section references the application of mitigation measures to the predicted impacts for purposes of evaluation, it does not explicitly identify assessment of the likely effectiveness of applied mitigation to reduce the impacts. Analysis is required in the DAR for assessors to determine how effective the proposed mitigation and management measures are to be, and identify any limitations or uncertainties about the proponent's ability to effectively implement the proposed measures.	Insert a new #4 bullet to the list of assessment steps in s.3.3, to read as follows: "Identify and evaluate any proposed mitigation measures as to their technical and economic feasibility to reduce the predicted impacts, and discuss constraints, uncertainties, and implementation challenges to the effective use of the proposed measures.	Jan 5: DDEC agrees that the effectiveness of mitigation is an important consideration in evaluating the potential for residual effects. This is provided for in the Draft TOR in Sec 3.3. For example, bullet #4 indicates that the DAR will "Predict the likelihood of each impact occurring after mitigation measures are implemented, providing a rationale for the confidence held in the prediction." (emphasis added). In bullet #5 the draft TOR further states "Include a description of any plans, strategies or commitments to avoid, reduce or otherwise manage and mitigate the identified potential adverse impacts, with consideration of best management practices in relation to the valued component or development component in question" (emphasis added). Bullets #6, 7, and 8 also all indicate other aspects of uncertainty that may exist in impact predictions and that should be addressed in the assessment. A unique aspect for determining appropriate mitigation that is available for the Jay-Cardinal Project is the inclusion of currently proven methods already in place at the Ekati Mine. The effectiveness of many mitigation measures has been established on a site-specific basis at the Ekati Mine through the extensive monitoring programs that have been in place for over 15 years. In the assessment of effects, it is assumed that mitigation is effective and implemented as appropriate; therefore, it can be considered to break linkages and reduce effects. Details about mitigation (i.e., how a silt curtain works and is installed, how a culvert should be properly installed, etc.) are not necessary to the assessment.	Section 4: Point added because it adds technical and economic feasibility as a constraint to available mitigation measures. The developer has the opportunity to identify established mitigation measures based experience at the site and with rationale
25	Independent Environmental Monitoring Agency: Bill Ross	s. 3.3 Impact assessment steps and significance determination factors	Determinations of significance depend on the subjective informed judgement of decision-makers. Hence including such considerations as societal values at the EA stage will be helpful.	Add the following sentence at the end of the second last paragraph in this section, as follows: "The above will be used by the developer as a basis for its justification of significance for potential impacts from this Project. Where the developer is aware of differential impacts on various parties or differences in views of the significance for potential impacts from this Project, the developer should describe these differences."	Jan 5: DDEC does not object to this additional wording; however the Record of Engagement already provides for this information.	
26	Independent Environmental Monitoring Agency: Bill Ross	s. 3.3.1.1 Key Lines of Inquiry	The Agency disagrees with the specific list of KLI topics as identified in the draft TOR: i.e., impacts to water quality; impacts to water quantity; and impacts to caribou. First, we agree that impacts to water should be a KLI. However, the category does not explicitly address aquatic resources (such as fish and fish habitat) which will be significantly affected if certain project designs are implemented. Impacts to aquatic life should be a priority subject for assessment and, therefore, a KLI for the DAR.  Second, our view would be that water quantity is a lesser area of potential concern than 'water quality', and could justifiably be subsumed under 'water quality' as a KLI.	We recommend that the draft list of KLI topics be changed to: KLI#1 - Water Quality (and Quantity); KLI#2 - Aquatic Life and, KLI#3 - Caribou  (See item #29 below regarding proposed KLI#4)	Jan 5: DDEC agrees that aquatic life, specifically fish and the trophic chain they depend on are of high importance. Water quality is clearly of importance regarding aquatic life. Either the KLI topics in the Draft TOR or the recommended changes would address this issue.	
27	Independent Environmental Monitoring Agency: Bill Ross	s. 3.3.1.1 Key Lines of Inquiry	The Agency is of the view that the discussion on alternative means to carry out the project (as currently identified in Sec.3.5), for the explicit purpose of managing the effects of the project, is a critical issue for this assessment. It is also a specific requirement under Sec.117(2) of the MVRMA, which states that 'every environmental assessment and environmental impact review of a proposal for a development shall include a consideration of...(e) any other matter, such as the need for the development and any available alternatives to it, that the Review Board ... determines to be relevant.' The topic should be moved into s.3.3.1.1 as an added KLI.	[1] The DAR should address the topic 'Alternative Means of Carrying Out the Project' as a KLI.  [2] The DAR should also provide an assessment of the following additional alternatives to various components of the project: • Alternative waste rock storage areas, and pit backfilling options; and, • Alternative road alignments to minimize caribou disturbance and barriers to movements.	Jan 5: DDEC agrees that consideration of alternative means of undertaking the project is important and needs to be fully documented in the DAR; this is provided for in the Draft TOR. DDEC disagrees with IEMA's recommendation (1) that "alternative means of carrying out the project" is appropriate as a KLI because it is more appropriately addressed elsewhere in the DAR as per the Draft TOR. DDEC does not object to IEMA's second recommendation (2) as a clarification.	Section 7.3.4: Alternative means included as a key line of inquiry based on discussion during technical meeting and emphasis on alternatives during community scoping. In particular alternatives to draining the lake using the option of a ring dike were emphasized along with alternatives to waste rock piles (backfilling) and road locations that are not barriers to caribou movement

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28	Independent Environmental Monitoring Agency: Bill Ross	s. 3.3.1.1 Key Lines of Inquiry	Given the extensive environmental footprint of the Project and the potential for significant adverse impacts to fish, water quality and caribou, a key area of concern (definition of a KLJ) must be project design. Consequently, the DAR should include a comprehensive and rigorous review of alternative means of carrying out the project, including relative impacts, and the economic and technical feasibility of each identified alternative. This analysis is central to ensuring that differential footprints and impacts are understood, evaluated with explicit explanation of any trade-offs and within limits of acceptable change.  The three reports by different engineering firms on alternatives provided with the Project Description use different methodologies and do not provide data or information that readily lend themselves to comparative evaluation. Multiple Accounts Analysis is an industry best practice that can provide a systematic, consistent and comprehensive comparison of alternatives and their trade-offs. *  * for guidance see, <a href="http://technology.infomine.com/enviromine/issues/cls_maa.html">http://technology.infomine.com/enviromine/issues/cls_maa.html</a>	[1] The DAR should employ a multiple accounts analysis (MAA) of the four alternative means of carrying out the project as currently identified in s. 3.5.  [2] The consideration of alternatives (i.e., MAA) should include an economic analysis of capital and operating costs and scheduling, anticipated employment and other socio-economic benefits, and assessment of environmental impacts of each alternative. The DAR should provide a rationale and justification for the proponent's preferred alternative that considers the trade-offs and analysis required above.	Jan 5: DDEC's Project Description Report (S.4.4.1.1) describes the "No Project" option and rejects this option outright as it would result in substantive negative socio-economic impacts through closure in 2019 of the Ekati Mine. Thus, DDEC sees no value to the Project EA from further review of the "No Project" approach. Additionally, the Project Description Report (S.4.4.1.2) indicates that a full "Underground Mining" approach to the Jay-Cardinal Project could not likely be made economically feasible; therefore, further assessment of this approach is also of no value to the Project EA. DDEC does not object to providing an MAA assessment that is appropriately scoped to address reviewer concerns and items that are of value to the Project EA. Reviewers have asked specifically for more information on the approach of Open Pit Mining Within Ring Dikes. It would not be unreasonable for the TOR to include a requirement for additional documentation, through MAA or another appropriate procedure, of the assessment of the "Ring Dikes" and the "Diversion and Drawdown" approaches.	Section 7.3.4: Multiple accounts analysis included as a way of considering the alternatives. Thi is a result of the discussion and agreement between DDEC and participants at the technical meeting. The alternatives to be considered include the Diavik style ring dike, drawdown options, waste rock storage options, energy sources and road alignments.
29	Independent Environmental Monitoring Agency: Bill Ross	s. 3.3.1.1 Key Lines of Inquiry, Impacts to water quantity	The current text does not cover reflooding of any areas that are temporarily drawn down in terms of flow and recharge.	Add a bullet to this section that reads: "the management of reflooding any areas that were temporarily drained for mining operations".	Jan 5: DDEC has no objection to this clarification but suggests changing the word "reflooding" to "rewatering".	rewatering used in palce of reflooding
30	Independent Environmental Monitoring Agency: Bill Ross	s. 3.3.1.1 Key Lines of Inquiry, Impacts to water quality	The text as drafted does not cover reflooding of any areas that are temporarily drawn down in terms of erosion and resubmergence of vegetation.	At the end of the third bullet, add the words: "including reflooding".	Jan 5: DDEC has no objection to this clarification but suggests changing the word "reflooding" to "rewatering".	rewatering used in palce of reflooding
31	Independent Environmental Monitoring Agency: Bill Ross	s. 3.3.1.1 Key Lines of Inquiry, Impacts to caribou	Although DDEC identified habitat disruptions, exposure to contaminants and possible changes in predator-prey relationships, there is no reference to disruptions to caribou movements or migration from the numerous roads, dykes and other infrastructure associated with the Jay-Cardinal Project.	Add a new second bullet as follows: "DDEC must describe the potential for disruption of caribou movements and migration patterns through the proposed project area and quantify possible effects on this species.C30"	Jan 5: DDEC has no objection to this clarification with the word "determine" replacing the word "quantify".	added 7.3.3
32	Independent Environmental Monitoring Agency: Bill Ross	3.3.1.2 Subjects of Note, SoN-1 Impacts to air quality	The listed items do not include emissions from blasting during construction or mining operations.	Add a new fourth bullet as follows: "the emissions from construction and operations activities, including blasting;"	Jan 5: DDEC has no objection to this clarification.	added 7.4.1
33	Independent Environmental Monitoring Agency: Bill Ross	3.3.1.2 Subjects of Note, SoN-3 Impacts to aquatic life	The impacts to aquatic life from a 10-20 year potential drawdown of major portions of Lac du Sauvage are likely to be significant adverse effects and should be elevated to a Key Line of Inquiry.	Identify and evaluate 'aquatic life' as a Key Line of Inquiry (see item #29 above).	Jan 5: See response to IEMA item 26 [not 29], above.	7.3.2 Fish and Fish habitat are now a Key Line of Inquiry. This was agreed to between DDEC and participants at the technical meeting
34	Independent Environmental Monitoring Agency: Bill Ross	s. 3.3.1.3 Biophysical Environmental Monitoring and Management Plans	The current terminology for environmental matters at Ekati uses "monitoring programs" and "management plans" so it is preferable to stick with this wording.	[1] Amend the last sentence in the first paragraph to read: "Further, the developer will describe the framework for proposed monitoring programs and management plans or amendments to existing programs and plans that will guide their evaluation of and adaptive management for impacts to water quality."  [2] Amend the first sentence in the paragraph before the second set of bullets to read: "For all other valued components , describe the framework for proposed monitoring programs and management plans or amendments to existing programs and plans that will guide DDEC's evaluation of and adaptive management for impacts to valued components. "	Jan 5: DDEC has no objection to this clarification.	added to 7.5
35	Independent Environmental Monitoring Agency: Bill Ross	3.3.2.2 Subjects of Note, SoN-6 Impacts to cultural aspects	The last bullet ends without a complete sentence.	Please provide the missing text.	Jan 5: The missing text is as follows "describe potential impacts, measures taken to minimize disturbance, and how remaining sensory changes will affect the traditional users' experience within the potentially affected land use areas."	added 8.2.1
36	Independent Environmental Monitoring Agency: Bill Ross	s. 3.3.3 Cumulative Effects	The assessment of cumulative effects on water quantity and quality should include Lac de Gras.  The requirement for cumulative effects assessment for wildlife should include other species besides caribou.	[1] At the end of the first and second bullets, add the words: "including any impacts on Lac de Gras".  [2] At the end of the last bullet, add the words: "wolverines, grizzly bears and any species-at-risk".	Jan 5: DDEC has no objection to this clarification.	added in each key line of inquiry
37	Independent Environmental Monitoring Agency: Bill Ross	s. 3.3.3 Cumulative Effects	The DAR should provide a broader context on DDEC's current cumulative effects assessment and management efforts, and more specifically, how it contributes to such efforts.	Add a final sentence to this section as follows: "Current efforts towards cumulative effects assessment and management should be described, including DDEC's efforts to coordinate its monitoring and management to contribute towards a regional approach."	Jan 5: DDEC disagrees that the proposed wording would be a valuable addition to the TOR as it is not a Project-specific consideration. The cumulative effects assessment for the Jay Cardinal Project will necessarily build on previous work at the Ekati Mine and elsewhere (as available).	added to Cumulative Effect introduction in 7.2

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38	Independent Environmental Monitoring Agency: Bill Ross	s. 3.4 Accidents and Malfunctions, item 1	The coverage of accidents and malfunctions should include the use of Failure Modes and Effects Analysis (FMEA) as an industry best practice in assessing risks and consequences of failure, including the use of scenarios to describe reasonably conceivable future outcomes. *  The FMEA should include the failure of water containment systems as a one of the accidents or malfunctions considered.  * See, for guidance <a href="http://www.infomine.com/library/publications/docs/Robertson2012b.pdf">http://www.infomine.com/library/publications/docs/Robertson2012b.pdf</a>	[1] Amend the 3rd sentence in s.3.4 to read: "This analysis will be conducted as a Failure Modes and Effects Analysis, and will include..."  [2] Amend the wording of item 1 to read: "Develop and describe reasonably conceivable scenarios for the FMEA to describe likelihood and consequences of accidents, malfunctions, or "impacts of the environment on the development" that may affect water quantity and quality and the ability of the water management system to function."  [3] Add a new item 1(c) as follows: "failure of water containment facilities and pumping systems."	Jan 5: The use of FMEA is more appropriate to detailed design following the EA. A construction risk assessment will be conducted as part of the EA. DDEC disagrees with wording additions to points 1 and 2 where they refer to FMEA. However, DDEC has no objection to the additional wording in point 3.	The Terms of Reference has a standard clause stating that the developer will "conduct a risk assessment using best practices". This was discussed at the technical meeting and DDEC agreed to do a risk assessment at the EA stage, but not necessarily the FMEA model. The risk assessment clause is therefore added to Section 11.
39	Independent Environmental Monitoring Agency: Bill Ross	s. 3.5 Alternative Means to Carrying Out the Project	See comments for item #29.	See recommendation #29 above.	Jan 5: See response to IEMA items 27 and 28 [not 29], above.	Alternative means added as a key line of inquiry in 7.3.4
40	Independent Environmental Monitoring Agency: Bill Ross	s. 3.6 Closure and Reclamation	The reference at the end of the first paragraph has been superseded with the release of the new MVLW-AANDC closure guidelines.	Amend the second sentence in the first paragraph to read: "The developer will be guided by existing guidance, in particular the Mackenzie Valley Land and Water Board-AANDC Guidelines for the Reclamation of Advanced Mineral Exploration and Mine Sites in the NWT when developing its reclamation plan for the Jay-Cardinal Project, ( <a href="http://mvlwb.com/sites/default/files/documents/wg/WLWB_5363_Guidelines_Closure_Reclamation_W/R.pdf">http://mvlwb.com/sites/default/files/documents/wg/WLWB_5363_Guidelines_Closure_Reclamation_W/R.pdf</a> )."	Jan 5: DDEC has no objection to this clarification.	added to Section 12
41	Independent Environmental Monitoring Agency: Bill Ross	s. 3.6 Closure and Reclamation	There may be aspects of the Jay-Cardinal Project that differ markedly from the rest of the Ekati mining operations—for example, reflooding a lakebed that has been exposed for 10-20 years. These novel aspects may require special closure planning and entail new uncertainties that do not lend themselves easily to the existing ICRP. The DAR should identify any such special aspects of the Jay-Cardinal Project, describe the closure planning and any uncertainties that may be associated with these special aspects.	Add a new bullet 4 that reads as follows: "Identify and describe any unique, novel or experimental aspects of the development that are distinct from the rest of the Ekati project components or conventional industry experience with respect to reclamation, and discuss any uncertainties posed and how these will be resolved in the closure planning process."	Jan 5: DDEC has no objection to this clarification.	added to Section 12
42	Independent Environmental Monitoring Agency: Bill Ross	s.4 Conclusion	The paragraph provided is significantly limited in describing the scope of the information to be provided in the DAR—it focuses only on impact prediction and the Board's ability to evaluate the predictions. In addition to impact prediction, the Board also has to evaluate the proponent's mitigation measures and management plans in order to determine that these will be effective, as well as economically and technically achievable, in mitigating the predicted impacts to an acceptable level. If this is the correct expectation, then it is worth capturing it in the concluding section.	Replace the provided sentence with..."The Review Board expects that the requirements described in this document will result in a Developer's Assessment Report that clearly describes DDEC's predictions of impacts from the Jay-Cardinal Project, and the likely effectiveness of proposed mitigation and management plans that are demonstrably viable both economically and technically, while providing sufficient detailed information and analysis for the Review Board and parties to analyze and evaluate the environmental acceptability of the proposed development.	Jan 5: While DDEC does not object to this clarification, it finds the proposed wording unnecessary.	added to Section 13
43	Independent Environmental Monitoring Agency: Bill Ross	Appendix A - Scope of Development	Underground mining is an element of the project, but is not explicitly identified in the scope of the development.	To the construction section of the table in Appendix A add a new line item: construction of underground mining and associated infrastructure.	Jan 5: DDEC has no objection to this clarification.	added to Appendix
1	Yellowknives Dene First Nation: Todd Slack	2.1 Scope of Development	The project must scope in the impacts from existing infrastructure – it is not sensible to pretend that because the currently exist they are not part of the project. Simply limiting the scoping to new activities or impacts as a consequence of the change will not allow a proper assessment of impacts. This applies to both operations and closure.	Include ongoing and existing impacts as well as future. Secondly, Ekati has ongoing exploration and drilling programs which should be addressed within the scope of development.	Jan 5: The Baseline Case of the EA is proposed to consider existing conditions (i.e., current physical, biological, and social conditions); therefore, this will consider existing disturbances and infrastructure. The Application Case of the EA is proposed to consider the cumulative effects of the Baseline Case, plus the Jay-Cardinal Project. The Reasonably Foreseeable Development Case would represent the cumulative effects of the Application Case, plus other reasonably foreseeable developments that have been publicly considered. Therefore, the initial concern is addressed. With respect to exploration and drilling programs, a Land Use Permit has been issued by the WLWB that requires, among other conditions, an annual plan submitted for each year that exploration work is to be undertaken. The "Exploration LUP" is for the entire Ekati Mine mineral lease block and, therefore, contemplates exploration work in areas other than the Jay-Cardinal Project. Exploration activities conducted under the LUP are not part of the assessment of the Jay-Cardinal Project.	The development description in Section 6 requires the description of both the proposed development and the existing infrastructure.
2	Yellowknives Dene First Nation: Todd Slack	2.3 Geographic Scope	YKDFN agrees with the geographic scope – it must be considered from the impacted values perspective, not the project.	To this end, item #6 should be amended from "the habitat of any potentially affected species" to "the annual habitat range of any potentially affected species."	Jan 5: DDEC disagrees with the proposed additional wording. See Response to IEMA 3.	3.4 includes both range (Bathurst caribou) and local population (bears, migratory birds)

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3	Yellowknives Dene First Nation: Todd Slack	2.4 Temporal Boundaries	The project should utilize a similar timeline to that which was used at Gahcho Kue, where the re-establishment of fish and fish habitat (Particularly Lake Trout) in the impacted zone was the principal driver	We believe that this was set at 75 years as a conservative limit (i.e. the company and parties accept that it would likely see progress prior to that).	Jan 5: DDEC fundamentally disagrees with the suggestion that specific assessment requirements can be transferred from one project to another; this negates the intended project specific approach to environmental assessment. In addition to this basic approach to EA, the Jay-Cardinal Project, specifically, has many unique aspects that preclude the transfer of specific assessment requirements as suggested. DDEC disagrees with the recommendation. As per Section 2.4 of the Draft TOR, the temporal boundaries for the EA are proposed to be based on the potential for long-term impacts on VCs, rather than on a single generic timeline, which DDEC considers more appropriate for the Jay-Cardinal Project.	Section 3.5 - temporal scope defined as when water quality criteria are met so that the refilled lake can be reconnected with surrounding watershed and at the re-establishment of the aquatic ecosystem.
4	Yellowknives Dene First Nation: Todd Slack	2.5 Other Scope of Assessment Considerations	The project uses the phrase reasonably foreseeable future developments, but does not provide a definition. In previous environmental assessments, the project's consultant has said that having a physical footprint is part of the test as to whether a potential project should be included for consideration. This approach lacks credibility and results in few projects being incorporated within this approach. YKDFN would rather base reasonably foreseeable both based on proposed projects but also historical trends.	Road traffic associated with the continued operation of the site should be part of the project scope. Without this project the TCWR would have no traffic other than De Beers, thus this part of the road, with its impacts, necessarily forms part of the scope.	Jan 5: A project EA cannot reasonably include speculative future possibilities as there would be no basis for defining that project, its effects, or interactions with the Project under review. This would be an unfair and unreasonable burden on the Project proponent. Reasonably foreseeable developments generally include projects that are reasonably foreseeable as of six months prior to the EA submission date. This would include projects that are under application review, or have officially entered a regulatory application process. In this way, these 'other' projects are defined to a point that the proponent of the Project under review can reasonably be expected to consider cumulative effects.	Section 7.2 Cumulative effects describes requirement for both a quantitative approach and a scenario-based qualitative approach. This was discussed and agreed to between DDEC and participants at the technical scoping session.
5	Yellowknives Dene First Nation: Todd Slack	3.1.4 Use of Appropriate Media	None	In addition to the user-friendly approach, YKDFN recommend that the project supply a printed copy to all interveners in the process. The Gahcho Kue EIR was many thousands of pages, which would have been a significant cost to the First Nation to print	Jan 5: Printed copies can be provided upon request.	Section 2.1: Tempale typically asks for 10 printed copies of the DAR
6	Yellowknives Dene First Nation: Todd Slack	3.1.4 Use of Appropriate Media	While it is has generally been the case (and we acknowledge that Ekati's approach in the past has been very open), DDEC should be required to submit all electronic documents in a manner that allows ease of access	for '.pdfs' they should be unsecured, allowing parties to copy and paste sections. For tables, the project should be prepared to provide excel spreadsheets upon request	Jan 5: Electronic documents can be provided in a manner that allows ease of access; Excel spreadsheets can be provided as appropriate upon request following discussions regarding their use.	Parties can request this directly from the developer.
7	Yellowknives Dene First Nation: Todd Slack	3.2.2 Developer	None	Within Item #2, the project should complete a comprehensive analysis of the proponent's compliance with the Socio-Economic Agreement over the life of its project. This should be done in a way that looks at a project specific approach but also relative to its peers. It should include a listing all consequences, penalties and punitive actions taken as a result of non-compliance and a review of all adaptive management actions undertaken in response to non compliance.	Jan 5: DDEC publishes an annual report on its performance under the Socio-Economic Agreement, including comprehensive data listings. The TOR for Assessment of the Jay-Cardinal Project must, by definition, be specific to the Project. Past performance at the Ekati Mine should not be assessed in and of itself, but used as a platform for assessment of the Project at hand. The Draft TOR provides for a compilation and analysis of socio-economic data and management that DDEC suggests is appropriate and specific to the Jay-Cardinal Project.	Addressed in 8.1, Key Line of Inquiry in bullet 4.
8	Yellowknives Dene First Nation: Todd Slack	3.2.2 Developer	None	Within Item #3, the project should be required to submit a comprehensive analysis of accidents and malfunctions from their historical operations. This should review the project spills in terms of absolute number of occurrences, but also an analysis of trends using both a life of mine approach and a 'rolling average' approach. It should evaluate performance relative to other NWT amines and identify mitigations and management approaches undertaken in response to any incidents.	Jan 5: DDEC reports on spills and other incidents at the Ekati Mine annually through the Water Licence Annual Report. The TOR for Assessment of the Jay-Cardinal Project must, by definition, be specific to the Project. Past performance at the Ekati Mine should not be assessed in and of itself, but used as a platform for assessment of the Project at hand. The Draft TOR provides for a compilation and analysis of data on spills, accidents and malfunctions that DDEC suggests is appropriate and specific to the Jay-Cardinal Project.	Included in 2.5 #3. This clause is standard in the Review Board template but was not included by DDEC in its draft Terms of Reference.
9	Yellowknives Dene First Nation: Todd Slack	3.2.2 Developer	None	Also within Item #3 (but perhaps it fits elsewhere) the project should review the environmental predictions made as part of previous Environmental Assessments and evaluate their value and accuracy in terms the actual impact and the significance predictions. In addition, one section should review the unforeseen or unpredicted impacts (ie. impacts reaching Great Slave Impacts).	Jan 5: The EKATI Mine has been operated in an environmentally responsible manner for 15 years. Routine monitoring and analysis (e.g., AEMP annual reports, and the 3-year Environmental Impact Report) assess and report on performance versus predictions. The TOR for Assessment of the Jay-Cardinal Project must, by definition, be specific to the Project. Past performance at the Ekati Mine should not be assessed in and of itself, but used as a platform for assessment of the Project at hand. The Draft TOR provides for a compilation and analysis of data on spills, accidents and malfunctions that DDEC suggests is appropriate and specific to the Jay-Cardinal Project.	This was not added to the Terms of Reference. The AEMP, 3-year Environmental Impact Report and other monitoring reports are available on the WLWB registry



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10	Yellowknives Dene First Nation: Todd Slack	3.2.4 Description of the Existing Environment	This section should have a particular focus that considers the both the existing environment and the 'pre-development' environment. This project is taking place environment that is already impacted, but the degree of change from 'baseline' should be the metric that should be considered (i.e. not the change from the impacted environment).	The area effected by the TCWR should be evaluated as well	Jan 5: See Response to YKDFN 1.	Included in Section 5.1.1 in the context of caribou
11	Yellowknives Dene First Nation: Todd Slack	3.2.4 Description of the Existing Environment – Biophysical Environment	None	#3 - Baseline ambient noise should be done in all four seasons – both in terms of distribution/range and strength.	Jan 5: DDEC has considered baseline ambient noise during winter and summer, the two climatic extremes, and suggests that this provides appropriate seasonal coverage.	Added: "throughout the year" in 5.1.1 point #3
12	Yellowknives Dene First Nation: Todd Slack	3.2.4 Description of the Existing Environment – Biophysical Environment	None	#5 – At a minimum the list of parameters analyzed should be the same as what exists within the current license.	Jan 5: This is what has been proposed.	The list reflects at a minimum
13	Yellowknives Dene First Nation: Todd Slack	3.2.4 Description of the Existing Environment – Biophysical Environment	None	#8 – Caribou crossing locations in the Lac de Gras (LdG) area and in the vicinity of the TCWR should be a matter of focus within migration routes	Jan 5: Caribou crossing locations and sensitivities to disturbance are already captured in Items b, c, d and e.	Section 5.1.1, point #9 c includes addition to focus on movement and migration specifically along the winter road
14	Yellowknives Dene First Nation: Todd Slack	3.2.4 Description of the Existing Environment – Biophysical Environment	None	#12b – Add the concentrations of Furan and Dioxins within water body sediments, as well as the deposition structure/timeline.	Jan 5: Contaminants of potential concern in sediments are proposed to be assessed including dioxins and furans; note that dioxins and furans come from many sources, not just in the NWT. Assessment of deposition structure/timeline is neither reasonably possible nor necessary.	Added to Section 5.1.1 #13
15	Yellowknives Dene First Nation: Todd Slack	3.2.4 Description of the Existing Environment – Human Environment	A fulsome description of the human environment will further the assessment and development of effective mitigation efforts. For example, if there are 100 unemployed residents within an affected community, how many are unable to work at remote sites because they have family obligations? How many have criminal records or life skill challenges?	#15 – Availability should also be considerate of the ability of those 'available' to take advantage of the employment being offered with this development. General unemployment metrics present a misleading picture which does not allow parties, governments and the proponent to consider the true benefits of a project	Jan 5: To the extent reasonably possible, DDEC has proposed to evaluate the availability of Aboriginal and other Northern residents, barriers to their employment at the mine and to rotational employment, and skills mismatch in the NWT labour force.	Consideration of barriers to employment added to 5.1.2 #16 to address this issue
16	Yellowknives Dene First Nation: Todd Slack	3.2.4 Description of the Existing Environment – Human Environment	None	#17 – The project should present evidence that evaluates the repeated concerns from communities on family health and structure (tied to project ToR 3.2.4 #21), drug and alcohol abuse rates, employment rates, job satisfaction/quality and standard of living. This should consider the status of communities prior to 1998 and in the current day.	Jan 5: To the extent possible, DDEC has proposed to evaluate current socio-economic conditions and trends in the potentially-affected communities and in the region against socio-economic conditions prior to diamond mining. Indicators, such as those developed for the Socio-economic Agreements and Communities and Diamonds follow-up program, will be used to measure changes in well-being and quality of life.	5.1.2, #18 - "taking into account socio-economic conditions before the Ekati mine" added
17	Yellowknives Dene First Nation: Todd Slack	3.2.4 Description of the Existing Environment – Human Environment	Provision of training opportunities is only one step towards broadening the pool of labour able to take advantage at the minesite, if we are to truly assess the benefits being offered we need to take the next step	#18 - YKDFN agree that the project should evaluate the availability of training, but also the effectiveness of programs such as the Mine Training Society.	Jan 5: It is unreasonable to expect DDEC to evaluate the effectiveness of joint industry/governments training programs in the NWT. The Mine Training Society and other training delivery agents evaluate their training programs as part of their mandates.	Agree with DDEC as it is not a DDEC-run program. Addition not included.
18	Yellowknives Dene First Nation: Todd Slack	3.2.5 Development Description – Existing Infrastructure	None	Add a description of the noise levels and distributions (by season); add TCWR	Jan 5: See Response to YKDFN 1 and 11. Noise levels and the winter road are proposed to be considered in the EA.	Included in 7.4.2
19	Yellowknives Dene First Nation: Todd Slack	3.3 Impact Assessment Steps	None	The impact assessment should start with a review of the of the impacts and significance to date (linking back to the proposed inclusion in section 3.2.2)	Jan 5: DDEC publishes a 3-year Environmental Impact Report (EIR) that undergoes broad-based review under the Environmental Agreement. The 3-year EIR assesses project effects to date. The TOR for Assessment of the Jay-Cardinal Project must, by definition, be specific to the Project. Past performance at the Ekati Mine should not be assessed in and of itself, but used as a platform for assessment of the Project at hand. The Draft TOR provides for a compilation and analysis of socio-economic data and management that DDEC suggests is appropriate and specific to the Jay-Cardinal Project.	Agree with DDEC, reports prepared for IEMA and the WLWB already address this. Topic not added to the ToR.
20	Yellowknives Dene First Nation: Todd Slack	3.3 Impact Assessment Steps - Bullet 5	None	As mentioned, this should consider both pre-development and pre-mine conditions, with an emphasis on the latter in terms of impact assessment	Jan 5: See Response to YKDFN 1.	This is included in Section 4, bullet 6
21	Yellowknives Dene First Nation: Todd Slack	3.3 Impact Assessment Steps - Bullet 7	None	Prior to evaluation of residual adverse impacts, the project should look at mitigation measures with the previous Ekati EA's and evaluate their efficacy	Jan 5: DDEC's adaptive management approach builds on learnings from previous mitigation measures. Potential interactions (linkages) between Project components or activities, and the corresponding potential changes to measurement endpoints of the environment are proposed to be identified during the development of the EA. If a linkage is determined to be valid, it would be assessed for residual effects. See also Response to YKDFN 9.	Comments acknowledged but no addition made to ToR.

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22	Yellowknives Dene First Nation: Todd Slack	3.3 Impact Assessment Steps - Bullet 8	None	Prior to placing our reliance in 'Adaptive Management', the project should identify existing adaptive management plans, when they were triggered/utilized, and what the end result was	Jan 5: Existing adaptive management plans are proposed to be considered relative to this Project; see Response to YKDFN 21.	Comments acknowledged but no addition made to ToR.
23	Yellowknives Dene First Nation: Todd Slack	3.3.1.1 Key Lines of Inquiry	In the past, environmental assessments have focused almost exclusively on evaluating impacts to the environment. Socio-Cultural impacts and benefits have been considered, but the consequences are poorly understood. For example, are we really benefiting communities by providing employment on a 2 week rotation if its contributing to weaker family structures and a generation less able to take advantage of the opportunities that exist	Key Line of Inquiry #4 – Impacts and Benefits to Communities	Jan 5: DDEC has previously and will continue to provide benefits to communities beyond employment. DDEC supports joint industry/governments programs that evaluate the general response of northern communities to mining projects.	Key line of inquiry #5 added in response to this recommendation and discussion at the technical meeting and community scoping meetings
24	Yellowknives Dene First Nation: Todd Slack	3.3.1.1 KLI-2	The physical characteristics of the waters in the area must remain similar to pre-development. For instance, does the changing salinity or chemical loadings alter the freeze dates or thermal properties of the water bodies	Include a section that evaluates any physical changes to the area (ice thickness, freeze up timing etc) that may result from changes to the chemical loadings or thermal properties of the local water bodies	Jan 5: The Draft TOR provides for evaluating water quality before, during and after the Jay-Cardinal Project. DDEC does not see need for additional wording or clarification in this topic area.	These issues are addressed in the re-worded Key Line of Inquiry for water Section 7.3.1, which is based on the water quality section in the NICO ToR.
25	Yellowknives Dene First Nation: Todd Slack	3.3.1.1 KLI-3	The direction within this KLI must be for the project to demonstrate that they are not impacting caribou. Given the low herd population and the Federal Government's 2011 declaration that Barren Ground Caribou are in danger of extinction, the project must show how they have reduced their impacts to the herd	Part of the KLI should evaluate how impacts have been reduced from past Ekati operations	Jan 5: Existing Ekati operations are proposed to be considered as part of the Baseline Case, and cumulatively as part of the Application Case. See Response to YKDFN 1. A summary, relevant to the Jay-Cardinal Project, of how DDEC has mitigated effects to caribou is proposed to be provided as part of the basis for proposed future mitigation measures.	Added to Section 7.3.3, bullet #7
26	Yellowknives Dene First Nation: Todd Slack	3.3.1.1 KLI-3	Caribou migration must be a particular focus within this KLI as the proposal will effectively block off one of the important water crossings (between LdG and LdS) for the area and the ZOI will encompass others on LdS with unknown implications. On simple measurement, there is no unaffected caribou crossing for almost 70 km	The KLI should focus on where and how caribou crossed historically and where they are able to move through the area now	Jan 5: See Response to YKDFN 13. Effects to caribou migration routes are a component of non-direct disturbance effects. The proposed project design was selected, in part, specifically to avoid physical disturbance at the Lac du Sauvage outlet stream and immediate area, and to enable continued caribou movement through the area.	This discussion is already included in Section 7.3.3
27	Yellowknives Dene First Nation: Todd Slack	3.3.1.1 SoN-1 – Air Quality	Given the projects previous contamination within the local area	this SoN should include discussions on Furans and Dioxins	Jan 5: Dioxins and furans are proposed to be considered. See Response to YKDFN 14.	Added to Section 7.4.1
28	Yellowknives Dene First Nation: Todd Slack	3.3.1.1 SoN-3 – Fish Habitat	This should be addressed within a greater KLI. The project is going to destroy a significant part of this lake, with a likely significant impact on the remainder and unknown downstream effects.	The bullets here should form part of a greater response to the KLI, with a particular focus on closure and re-establishment of the aquatic ecosystem	Jan 5: Effects to fish and fish habitat are proposed to be assessed in the EA; this will include the effects from drawing down Lac du Sauvage and the resulting effects on the downstream environment. Closure and successful re-establishment of the aquatic ecosystem within Lac du Sauvage will be a key component of the evaluation. The proposed Project design was selected, in part, to work beneficially with the natural conditions of the Lac du Sauvage watershed to enable a temporary drawdown of part of Lac du Sauvage for the duration of mining activities.	Fish and fish habitat are addressed as a Key Line of Inquiry in Section 7.3.2
29	Yellowknives Dene First Nation: Todd Slack	3.3.1.1 SoN-3 – Fish Habitat	This should be addressed within a greater KLI. The project is going to destroy a significant part of this lake, with a likely significant impact on the remainder and unknown downstream effects.	The Project should evaluate the amount of habitat it is destroying and prepare an initial fish habitat compensation plan. YKDFN recommend that the project approach communities to collaboratively develop the objective to guide this plan.	Jan 5: Fish habitat loss is proposed to be evaluated in the Project EA. A preliminary offsetting plan will be developed during the EA process, in consultation with DFO, and with input from local communities on potential offsetting options.	Fish Habitat Compensation Plan added in 7.3.2 bullet 6
30	Yellowknives Dene First Nation: Todd Slack	3.3.1.1 SoN-New – Alternatives	YKDFN believe that the alternatives assessment should be an important subject of note. The destruction of a lake should be done as a last resort, not just as the cheapest option.	A new SoN should be added, which recognizes and incorporates the importance of conserving pristine land and water.	Jan 5: DDEC disagrees that a new SoN is necessary in this regard and suggests that alternatives are adequately provided for in the Draft TOR. Also see Response to IEMA 28.	Alternative means added as a Key Line of Inquiry in 7.3.4
31	Yellowknives Dene First Nation: Todd Slack	3.3.1.3 Biophysical Environmental Monitoring	The future reporting approach is uncertain and the current approach to comprehensively considering wildlife data can be more certain	In addition to the discussion surrounding the plans, the proponent should identify a comprehensive analysis of wildlife monitoring data as part of the system (Currently similar to the EIR report under the Environmental Agreement)	Jan 5: Wildlife monitoring data are assessed and analyzed annually under the WEMP and every 3 years as part of the Environmental Impact Report. The EA for the Jay-Cardinal Project should refer to and draw from these documents but not repeat data summaries or analyses, and this is proposed in the Draft TOR. DDEC works cooperatively with ENR and other mining companies on regional wildlife monitoring programs.	Comments acknowledged but no addition made to ToR.
32	Yellowknives Dene First Nation: Todd Slack	3.3.2.1 Human Environment – Key Line of Inquiry	YKDFN do not agree that there are no key lines of inquiry to be pursued. While we support the efforts to date, we don't know to what degree they have been effective or how the community has been affected since the mine opening. By looking back over the last 15 years to evaluate successes and failures, we should be able to improve the lasting positives for the north.	Established a KLI to consider: Past impacts and benefits to affected communities and the expected benefits to impacted communities	Jan 5: DDEC disagrees that an additional KLI is necessary as proposed. See Response to YKDFN 23.	

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33	Yellowknives Dene First Nation: Todd Slack	3.3.2.2 Subjects of Note – impacts to employment	The competition for northern employees will continue to increase as Gahcho Kue and other projects come on line, making it much more difficult for this mine to meet its commitments with regards to northern and aboriginal participation. If the project has already had difficulty meeting commitments, new methods and increased efforts must be made	The company should identify ways and means of increasing retention, northern hiring, and promoting residency	Jan 5: DDEC has made and will continue to make all reasonable efforts to hire Aboriginal and other Northern residents; further, DDEC strives to improve employee retention, particularly Aboriginal and other Northern residents. The Draft TOR includes provision for DDEC to describe its approach to these issues specific to the Jay-Cardinal project (Sections 3.3.2.2 [SoN-7] and 3.3.2.3 of the Draft TOR).	Key line of inquiry #5, Section 8.1, added in response to this recommendation. The issue was also a focus of discussion at the technical meeting and community scoping meetings
34	Yellowknives Dene First Nation: Todd Slack	3.3.2.2 Subjects of Note – impacts to employment	The project has a history that reviewers should be able to understand and evaluate. Understanding where the project has encountered difficulty and how they will respond in the future, in more difficult conditions, gives reviewers more information to evaluate the merit and value of the commitments.	The project should develop a response framework that seeks to improve compliance to company commitments wherever possible, and when not possible, develop new ways and means to provide support for community health and employment	Jan 5: DDEC has proposed, in the Draft TOR, to describe its proposed approaches to providing socio-economic benefits and mitigating socio-economic risks associated with the Jay-Cardinal Project. This will necessarily reference past practices as a basis for the proposed approaches. The Jay-Cardinal Project is unique in that the Project can make beneficial use of the continuation of existing effective practices as opposed to needing to initiate all new programs and practices.	The final bullet in Key Line of Inquiry 5, 8.1, addresses the issue
35	Yellowknives Dene First Nation: Todd Slack	3.3.2.2 Subjects of Note – impacts to employment	Previous Socio-Ec submissions can be improved to better reflect the conditions that exist within the affected communities	This SoN should consider changing labour demands, demographics and population factors over the lifespan of the mine	Jan 5: See Responses to YKDFN 23 and 33. DDEC will consider all available, relevant information.	Comments acknowledged but no addition made to ToR.
36	Yellowknives Dene First Nation: Todd Slack	3.3.3 Cumulative Effects, Bullet 6	Any cumulative effects analysis must focus both on the distribution/habitat and population of the Bathurst Caribou herd. It is the latter that represents the end consideration for harvesters. Additionally, this analysis must consider the relative impacts during different stages of the caribou's life cycle. For example, the projects occurring on/near the calving grounds (Hackett River, Izok Corridor, Back River) will have a more significant impact than those at the periphery of the caribou range (Fortune, Nechalacho).	The items for consideration should be expanded to clarify that the impacts on Barren-Ground Caribou is to include population analysis. Secondly, the analysis must develop a peer reviewed approach that takes into account the relative sensitivity of caribou with their lifestage and seasonal range.	Jan 5: DDEC disagrees that it is appropriate or responsible for a single mine operator or project proponent to provide population analysis of barren ground caribou. It is not reasonable that a single operator/proponent has the information to conduct such an analysis. See Responses to YKDFN 1 and 13. DDEC has proposed to consider both the incremental and cumulative effect of the impacts included in KLI-3, Impacts to Caribou in the Draft TOR. DDEC will use existing peer-reviewed approaches for modelling population-level effects.	DDEC acknowledge that they will use a peer reviewed approach in its analysis on impacts to barren-ground caribou
37	Yellowknives Dene First Nation: Todd Slack	3.4 Accidents and Malfunctions, #1, bullet 3	Concerned parties are routinely assured of the safety of tailings dams and water retention structures.	The proponent should prepare an analysis of past tailings/water retention dam/dykes across Canada (including the recent Obed Mtn incident), looking at the causes and evaluating if they are applicable to concerns at Ekati.	Jan 5: See Response to IEMA 38.	A risk assessment is included in Section 11
38	Yellowknives Dene First Nation: Todd Slack	3.6 Closure and Reclamation	YKDFN suggest that the easiest and most utilitarian approach to meeting this section would be to extend the current ICRP structure to address the Jay-C project.	The project should use the current ICRP format to address the requirements of this section	Jan 5: DDEC agrees; this is the intent. The current ICRP is proposed to be adapted to include the Jay-Cardinal Project.	Comments and agreement on issue acknowledged
39	Yellowknives Dene First Nation: Todd Slack	3.6 Closure and Reclamation	None	The project should identify how they will remove/decommission newly constructed/imported infrastructure	Jan 5: See Responses to IEMA 40 and YKDFN 38.	Comments and agreement on issue acknowledged
40	Yellowknives Dene First Nation: Todd Slack	3.6 Closure and Reclamation #7	the Closure and Reclamation section needs to have a particular focus on fish habitat establishment and a return of the existing aquatic ecosystem in a similar abundance.	Amend #7 to consider not just sustainability, but also also look at the return of an aquatic ecosystem in similar abundance and diversity, with a focus on and utilization of habitat by lake trout (top trophic level)	Jan 5: DDEC suggests that this issue is adequately provided for in the Draft TOR. Additionally, DDEC suggests that specific success criteria such as sustainability, abundance, or diversity should follow from the Environmental Assessment and not be pre-determined in the TOR. This approach ensures that specific criteria are based on robust analysis and review.	This discussion is covered in the Terms of Reference Section 12, No additions made to ToR.