



JAY PROJECT

TRANSPORT CANADA

TECHNICAL REPORT RESPONSES

August 2015

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Abbreviations

Abbreviation	Definition
DAR	Developer's Assessment Report
Dominion Diamond	Dominion Diamond Ekati Corporation
NPA	<i>Navigation Protection Act</i>
MVEIRB	Mackenzie Valley Environmental Impact Review Board
Project	Jay Project
TC	Transport Canada

1 INTRODUCTION

Dominion Diamond submitted a Developer's Assessment Report (DAR) to the Mackenzie Valley Environmental Impact Review Board (MVEIRB) in November 2014. Following completion of the DAR, Dominion Diamond submitted Round 1 and Round 2 information request responses (April 7, 2015 and July 3, 2015, respectively), and attended Technical Sessions hosted by MVEIRB in Yellowknife between April 21 and 24, 2015, to address regulator and parties' questions and concerns in regard to the Jay Project (Project) and the DAR.

On July 31, 2015, Transport Canada submitted their technical report to MVEIRB for the Project outlining recommendations on remaining topics of concern. This report provides responses to those recommendations outlined in the Transport Canada technical report (Transport Canada 2015), with the intent of clarifying these remaining topics as the Project moves into the MVEIRB Hearings Phase.

2 RECOMMENDATION AND RESPONSE

2.1 Proposed Dike and Dewatering Activities Within Lac Du Sauvage

2.1.1 Recommendation 1

Transport Canada requires Dominion Diamond to submit information to TC to determine the navigability of Lac du Sauvage and the applicability of sections 21 to 23 of the NPA. Once TC has received this information, then TC can determine if a s. 24 of the NPA Order is required. If a s. 24 of the NPA Order is required, the proponent will need to submit a Proclamation of exemption under s. 24 of the NPA application seeking such Order.

2.1.2 Response 1

Dominion Diamond is committed to working with Transport Canada for the proposed dike and dewatering activities within Lac du Sauvage. Dominion Diamond will submit information to Transport Canada to support the determination of navigability of Lac du Sauvage and the applicability of Sections 21 to 23 of the *Navigation Protection Act* (NPA). This information will be submitted during the permitting stage of the Project. If Transport Canada determines that Sections 21 to 23 are applicable, Dominion Diamond will submit an application for Proclamation of exemption under Section 24 of the NPA.

2.2 Transportation of Dangerous Goods Act

2.2.1 Recommendation 2

Transport Canada has no concerns with specific project activities related to our roles and responsibilities under the Transportation of Dangerous Goods Act, 1992 and Aviation Safety. TC recommends the following in relation to the overall project:

- Transport Canada urges Dominion Diamond to consult the Transportation of Dangerous Goods Act and Regulations and comply with all requirements. Dominion Diamond may contact the Transport Canada Transportation of Dangerous Goods regional office at 1-888-463-0521 for clarification or guidance if required.
- Transport Canada requires Dominion Diamond to ensure that an aerodrome requiring certification as an airport meets the requirements of CAR 302 and its associated standards, including Wildlife Planning and Management and Emergency Response Planning.

2.2.2 Response 2

Dominion Diamond will continue to comply with all requirements of the *Transportation of Dangerous Goods Act and Regulations* and seek clarification or guidance where required. Additionally, Dominion Diamond will continue to ensure that the Ekati Diamond Mine airstrip is operated under all appropriate certifications and associated standards, including those referenced above.

3 REFERENCES

Transport Canada. 2015. Technical Report, Jay Project, EA1314-01. Submitted to the Mackenzie Valley Environmental Impact Review Board, July 2015. Yellowknife, NWT, Canada.