

29 June 2023

Mr. Chuck Hubert  
Senior Environmental Assessment Officer  
Mackenzie Valley Environment Impact Review Board  
200 Scotia Centre, P.O. Box 938  
Yellowknife, NT  
X1A 2N7

**Re: Submission of Measure 13-3 – Annual Reporting for 2022**

Dear Mr. Hubert:

Arctic Canadian Diamond Company Ltd. (Arctic Canadian) is submitting to the Mackenzie Valley Environmental Impact Review Board (MVEIRB) the attached annual report for the Jay Project as per Measure 13-3 from the Report of Environmental Assessment and Reasons for Decision (REA) for the Jay Project. The Jay Project has now been cancelled by Arctic Canadian, has been removed from the site Water Licence, and will not be pursued in the future.

The attached annual report addresses measures that Arctic Canadian proposed to carry forward as they are already being completed for the entire Ekati Mine site, as well as, summarizes the contributions to the remaining measures that were assigned to other regulatory authorities. We trust this report is clear and informative. If you have any questions or comments, please contact the undersigned at [glen.swanson@arcticcanadian.ca](mailto:glen.swanson@arcticcanadian.ca) or 403-910-1933 ext. 2402.

Sincerely,



Glen Swanson  
Manager, Environmental Reporting & Permitting  
Arctic Canadian Diamond Company Ltd.

	Measure	Party Responsible	Actions Taken During Reporting Period	Reference/ Applicable Regulatory Documents
<p><b>4-1: Closure Objectives</b></p>	<p>To prevent significant cultural impacts after closure from changes in water quality, the Wek'èezhii Land and Water Board will set closure objectives and criteria for the Jay Project components so that Dominion ensures that the area is suitable for traditional uses after closure. Closure objectives and criteria will be set for, but not limited to, the following components of the Jay Project:</p> <ul style="list-style-type: none"> <li>▪ Jay pit</li> <li>▪ Misery pit</li> <li>▪ Lynx pit</li> <li>▪ Jay Waste Rock Storage Area</li> </ul>	<p>WLWB</p>	<ul style="list-style-type: none"> <li>▪ On December 13, 2021, Arctic Canadian submitted a third request for extension for the submission date of the ICRP version 3.1 to October 31, 2022 rather than the already extended July 31, 2022 date. The request was approved by the board on February 10, 2022.</li> <li>▪ Arctic Canadian submitted the ICRP Version 3.1 Information Package on April 14, 2022. This was a requirement of the extension granted by the board.</li> <li>▪ On December 23, 2022, Arctic Canadian submitted the ICRP version 3.1 to the board for review. It has not yet been posted to the board registry but should be available soon.</li> </ul>	<p>Current Water Licence (Part K) <a href="#">W2020L2-0004</a></p> <p>Interim Closure and Reclamation Plan Version 3.1 Request for Extension (3): <a href="#">WL2020L2-0004 – Ekati – Interim Closure and Reclamation Plan Version 3.1 Request for Extension – Dec 13 21.pdf</a></p> <p>Interim Closure and Reclamation Plan Version 3.1 Request for Extension (3) Decision Letter: <a href="#">W2020L2-0004 – Ekati – Interim Closure and Reclamation Plan V3.1 – Extension Request – Decision Letter – Feb 10 22.pdf</a></p> <p>Interim Closure and Reclamation Plan Version 3.1 Information Package: <a href="https://registry.mvlwb.ca/Documents/W2020L2-0004/Ekati%20-%20CRP%20Version%203.1%20-%20Information%20Package%20-%20Apr%2014%2021.pdf">https://registry.mvlwb.ca/Documents/W2020L2-0004/Ekati%20-%20CRP%20Version%203.1%20-%20Information%20Package%20-%20Apr%2014%2021.pdf</a></p>
<p><b>4-2(a): Sitewater Management Plan</b></p>	<p>In order to avoid significant impacts to traditional use in the vicinity of the Jay Project after the Jay Project mining and closure have been completed, Dominion will submit a site water management plan to the Wek'èezhii Land and Water Board for approval, prior to the commencement of dike construction. Dominion will demonstrate how its plan, and the contingencies within, will ensure water quality in the Jay Pit, Misery Pit, Lac du Sauvage, Lac de Gras and downstream will support traditional uses in the vicinity of the Jay Project after closure, while protecting the environment during operations. The plan will include, but not be limited to:</p> <ul style="list-style-type: none"> <li>▪ a list of contingencies that Dominion can use to manage water during operations and an evaluation of the feasibility of each</li> <li>▪ a description of the scenarios (i.e., conditions and timing) under which contingencies will be implemented</li> <li>▪ Dominion's preferred contingencies, with rationales, for each scenario</li> </ul>	<p>Arctic Canadian Diamond Company Ltd. (Arctic Canadian)</p>	<ul style="list-style-type: none"> <li>▪ No further actions were taken during the reporting period.</li> </ul>	<p>Current Water Licence <a href="#">W2020L2-0004</a></p>

Measure	Party Responsible	Actions Taken During Reporting Period	Reference/ Applicable Regulatory Documents
<ul style="list-style-type: none"> <li>▪ a description of how Dominion will monitor the quantity and quality of water, to:               <ul style="list-style-type: none"> <li>a) calibrate the water models used to make predictions in the EA</li> <li>b) assess the suitability of contingencies</li> <li>c) evaluate the performance of contingencies used</li> </ul> </li> </ul>			
<p><b>4-2(b): Pit Lake Water Quality</b></p> <p>To ensure that water quality in the Misery pit and Jay pit is compatible with traditional uses of the area in vicinity of the Jay Project and downstream after closure, Dominion will:</p> <ol style="list-style-type: none"> <li>1. establish meromixis for the Jay and Misery pits</li> <li>2. stabilize meromictic pit lakes for the long term</li> </ol> <p>If the above requirements cannot be met, Dominion will develop and implement contingencies to ensure the pit lake water quality is compatible with traditional use after closure. Dominion will submit a list of these contingencies, which describe the feasibility of each contingency, and the conditions and timing under which each would be implemented, to the Wek'èezhii Land and Water Board for approval prior to the implementation of any contingency.</p> <p>Suggestion: When considering the contingencies for water management and meromixis, Dominion and the WLWB should consider the options identified during the environmental assessment, including:</p> <ul style="list-style-type: none"> <li>▪ providing a deeper cap of freshwater on the Misery and Jay Pits at closure;</li> <li>▪ Discharging water to Lac du Sauvage earlier in the life of mine;</li> <li>▪ using additional storage near the Jay Project, including the Lynx pit, the Jay runoff sump and King Pond;</li> <li>▪ using additional storage at the Ekati mine main camp; and,</li> <li>▪ treating minewater before discharge to the environment.</li> </ul>	Arctic Canadian	<ul style="list-style-type: none"> <li>▪ As a result of the Point Lake permitting process, and the removal of the Jay Project from the water licence, this Jay EA Measure will not be carried forward.</li> </ul>	N/A
<p><b>4-3: Fine Processed Kimberlite</b></p> <p>To avoid significant adverse environmental impacts to the Panda and Koala pit lakes and to the downstream environment after closure from the deposition of fine processed kimberlite, Dominion will not deposit fine-processed kimberlite into the Panda and Koala pits unless the Wek'èezhii Land and Water Board approves the use of the Panda and Koala pits. The Wek'èezhii Land and Water Board's approval will ensure the protection of the downstream environment after closure and will consider the results of Beartooth pit fine-processed kimberlite trial. Otherwise, the fine-processed kimberlite will be deposited into an approved processed kimberlite containment area.</p> <p>Suggestion:</p>	Arctic Canadian	<ul style="list-style-type: none"> <li>▪ As a result of the Point Lake permitting process, and the removal of the Jay Project from the water licence, this Jay EA Measure will not be carried forward.</li> </ul>	N/A

	Measure	Party Responsible	Actions Taken During Reporting Period	Reference/ Applicable Regulatory Documents
	<p>To demonstrate the suitability of the Panda and Koala pits for fine-processed kimberlite, the Wek'èezhii Land and Water Board should require Dominion to complete a deposition study and a freshwater cap optimization study. The deposition study should investigate how fine processed kimberlite behaves once deposited into mined-out pits and the quality of the resulting supernatant water. This should include data from the Beartooth pit trial.</p>			
<p><b>4-4: Dike Stability and Safety</b></p>	<p>To reduce the risk of dike failure and its associated significant impacts, Dominion will establish an independent dike review panel to evaluate and, if necessary, improve the design, construction, operation and maintenance of the dike. The panel will provide recommendations to the developer and the Wek'èezhii Land and Water Board to ensure that impacts to the safety of people and the environment are minimized. The panel will, at a minimum:</p> <ul style="list-style-type: none"> <li>▪ review and accepts the dike design prior to the commencement of dike construction</li> <li>▪ review the dike operation</li> </ul> <p>Dominion will engage with the Wek'èezhii Land and Water Board, Government of the Northwest Territories and the Independent Environmental Monitoring Agency on the panel composition and tasks. Dominion will submit the review panel's final terms of reference to the Wek'èezhii Land and Water Board.</p>	<p>Arctic Canadian</p>	<ul style="list-style-type: none"> <li>▪ As a result of the Point Lake permitting process, and the removal of the Jay Project from the water licence, this Jay EA Measure will not be carried forward.</li> </ul>	<p>N/A</p>
<p><b>5-1: Protection of the Narrows</b></p>	<p>To mitigate significant adverse ecological and traditional use impacts resulting from unacceptable drops in water levels at the Narrows, Dominion will maintain water levels at the Narrows such that the Jay Project does not adversely affect fish passage and the continuation of traditional use of the area as an open water source. It will do so by monitoring the Narrows before and during closure, and by appropriately managing activities in Lac du Sauvage during closure.</p> <p>Prior to construction, a description of this monitoring will be submitted to the WLWB for its approval as part of the Aquatic Effects Monitoring Program design plan. The monitoring results will be reported in the annual AEMP reports and incorporated into the Aquatic Response Framework, specifying minimum required water levels and flow rates, and triggers for management responses during closure activities.</p> <p>Suggestion:</p> <p>DFO should fully consider the unique cultural significance of the area in Lac du Sauvage that will be permanently lost due to the construction of the Jay pit in its determination of fisheries offsetting requirements.</p>	<p>Arctic Canadian</p>	<ul style="list-style-type: none"> <li>▪ As a result of the Point Lake permitting process, and the removal of the Jay Project from the water licence, this Jay EA Measure will not be carried forward.</li> </ul>	<p>N/A</p>

	Measure	Party Responsible	Actions Taken During Reporting Period	Reference/ Applicable Regulatory Documents
<p><b>6-1: Road Mitigation from Caribou Impacts</b></p>	<p>a) In order to mitigate significant incremental and cumulative adverse impacts to caribou from roads used by the Jay Project, Dominion will:</p> <ul style="list-style-type: none"> <li>▪ use convoys or other methods to manage traffic on the road in order to maximize interval between disturbances from vehicles</li> <li>▪ use real-time caribou collar satellite information and other detection systems to enable early detection of caribou in the vicinity of the road as a trigger for action levels for management responses</li> <li>▪ construct caribou crossing features along a minimum of 70% of the length of the Jay road</li> </ul> <p>b) In addition, Dominion will update and revise the Wildlife Effects Monitoring Plan with the appended Caribou Road Mitigation Plan according to GNWT requirements under section 95 of the Wildlife Act and any future section 95 regulations. The plan(s) required under section 95 will be in force for the duration of the Jay Project. In the Caribou Road Mitigation Plan, Dominion will:</p> <ul style="list-style-type: none"> <li>▪ investigate and implement innovative actions to mitigate impacts to caribou from barriers to movement at the esker, such as one-way traffic, buried power lines and pipelines, and remote sensory devices to monitor caribou and reduce impacts at the esker crossing</li> <li>▪ define specific thresholds that trigger road management responses including actions to slow traffic, stop traffic and close the Jay and Misery Roads for an appropriate period if caribou are on or near these roads <ul style="list-style-type: none"> <li>○ describe the minimum size of the kimberlite stockpiles at Jay pit and Misery pit necessary to enable extended closure(s) of the Jay road</li> <li>○ indicate how long the road management responses described above will be applied for each slow down or closure and thresholds and triggers for reopening the road.</li> </ul> </li> <li>▪ describe methods for monitoring approaching caribou at intermediate distances beyond line of sight from the roads, including at night and in poor visibility</li> <li>▪ prepare a dust management best practices document with adaptive management triggers for additional dust suppression and link to the Air Quality and Emissions Monitoring and Management Plan</li> <li>▪ use Traditional Knowledge when designing – <ul style="list-style-type: none"> <li>○ the Caribou Road Mitigation Plan</li> <li>○ the project components in the Caribou Road Mitigation Plan (including the Jay road, esker crossing and waste rock storage area)</li> <li>○ the monitoring of caribou responses to these components during the operations phase</li> </ul> </li> <li>▪ describe the specific monitoring and mitigation for caribou impacts related to the road during the construction, operations and closure phases of the Jay Project</li> </ul> <p>c) The Caribou Road Mitigation Plan will detail the means to be employed to avoid and minimize habitat disturbance and include a response framework that links monitoring results to changes in mitigation. When developing monitoring and mitigation, Dominion will give special consideration to the esker crossing and specify contingency measures if caribou do not cross the Jay Road at the esker.</p>	<p>Arctic Canadian</p>	<p>The Caribou Road Mitigation Plan (CRMP) has been implemented at the Ekati mine since the fall of 2016. This includes:</p> <ul style="list-style-type: none"> <li>▪ Implementation of all caribou proximity-based thresholds including road closures, and reduced speed limits;</li> <li>▪ New signage to warn drivers about likelihood of encountering caribou along roads; and,</li> <li>▪ Use of satellite collars to help track caribou proximity to the Ekati mine.</li> <li>▪ Construction of the Jay Road (currently known as the Lac du Sauvage Road) was undertaken in the summer of 2017 and this included construction of the Jay road caribou crossings.</li> <li>▪ Arctic continues to use the Dual Powered Road Train (DPRT) to make hauling more efficient.</li> <li>▪ Use of weekly caribou collar satellite information updates and other detection systems continues to enable early detection of caribou in the vicinity of the road - as a trigger for action levels for management responses.</li> <li>▪ GNWT- Department of Environment and Natural Resources (ENR) provided conditional approval of the Wildlife Effects Monitoring Plan (WEMP) and CRMP on June 1, 2017. Arctic continues to work on and move forward with addressing the required additional information.</li> </ul>	<p>Conditional Approval of WEMP and CRMP (June 1, 2017): <a href="http://reviewboard.ca/upload/project_document/EA1314-01_GNWT_-_WEMP_Including_Caribou_Road_Mitigation_Plan_measure_6-1.PDF">http://reviewboard.ca/upload/project_document/EA1314-01_GNWT_-_WEMP_Including_Caribou_Road_Mitigation_Plan_measure_6-1.PDF</a></p> <p>Caribou Road Mitigation Plan (CRMP): <a href="http://reviewboard.ca/upload/project_document/EA1314-01_Caribou_Road_Mitigation_Plan_Jay_Project_DRAFT_V2.PDF">http://reviewboard.ca/upload/project_document/EA1314-01_Caribou_Road_Mitigation_Plan_Jay_Project_DRAFT_V2.PDF</a></p> <p>Measure 6-3 AQEMMP: <a href="http://reviewboard.ca/upload/project_document/EA1314-01_GNWT_-_AQEMMP_Measure_6-3">EA1314-01_GNWT_-_AQEMMP_Measure_6-3</a></p>



	Measure	Party Responsible	Actions Taken During Reporting Period	Reference/ Applicable Regulatory Documents
	<p>d) Dominion will submit the Caribou Road Mitigation Plan to the GNWT ENR for approval before constructing the Jay Road. As part of this approval process, the GNWT should provide the opportunity for public comment. Dominion will annually report monitoring results, success or failure of mitigation and adaptive management to communities in person, in a culturally appropriate manner.</p> <p>Suggestion: To allow for mitigation of potential barrier effects from the Jay Project, Dominion should conduct pilot studies into technologies and approaches to detect caribou before they perceive sensory disturbances from the Jay Project (such as un-manned aerial vehicles, large animal detection systems, remote video cameras or on-the-land monitors).</p>			
<p><b>6-2(a): Caribou Offset and Mitigation Plan</b></p>	<p>i. Dominion will offset residual adverse impacts to caribou by human activities that cumulatively affect the Bathurst caribou herd, beyond direct impacts of the Jay Project. Dominion will set out these offsets in a Caribou Offset and Mitigation Plan, which it will complete within one year of Minister's acceptance of this Report of EA. This plan will be in force throughout the duration of the Jay Project</p> <p>ii. Dominion will implement the Caribou Offset and Mitigation Plan as described in DAR-MVEIRB-UT2-06 and incorporate the following into the Plan:</p> <ul style="list-style-type: none"> <li>▪ caribou offsets related to roads that result in enhanced mitigation, such as scheduling of activities during caribou migration or dust suppression offsite from Jay Project</li> <li>▪ zone of influence research with funding as committed by Dominion</li> <li>▪ identify mitigation actions from the Plan and apply at other Ekati operations</li> <li>▪ options for the scheduling of other Ekati operations to offset Jay Project impacts during caribou migration periods</li> <li>▪ an enhanced dust mitigation study including: <ul style="list-style-type: none"> <li>○ a pilot test pm application of dust suppressant</li> <li>○ a dustfall sampling program</li> <li>○ report on results and propose improvements to be incorporated into the Air Quality Emission Monitoring and Management Plan</li> <li>○ if dust mitigation improvements are identified, Dominion will apply them on all roads at Ekati</li> </ul> </li> <li>▪ accelerate progressive reclamation of Long Lake Containment Facility substantially beyond current Interim Closure and Reclamation Plan requirements to return it to productive caribou habitat sooner</li> <li>▪ incorporate waste rock storage area egress ramps, designed in consultation with Elders to prevent injuries and entrapment of caribou</li> </ul> <p>iii. Following implementation of the Caribou Offset and Mitigation Plan, Dominion will:</p>	<p>Arctic Canadian</p>	<ul style="list-style-type: none"> <li>▪ As a result of the Point Lake permitting process, and the removal of the Jay Project from the water licence, this Jay EA Measure will not be carried forward.</li> </ul>	<p>Measure 6-2 (a) Caribou Offset and Mitigation Plan: <a href="http://reviewboard.ca/upload/project_document/EA1314-01_DDEC_Caribou_Mitigation_Plan_measure_6-2a.PDF">http://reviewboard.ca/upload/project_document/EA1314-01_DDEC_Caribou_Mitigation_Plan_measure_6-2a.PDF</a></p>

Measure	Party Responsible	Actions Taken During Reporting Period	Reference/ Applicable Regulatory Documents
<ul style="list-style-type: none"> <li>▪ annually report on the effectiveness of monitoring, mitigation and adaptive management of the Caribou Offset and Mitigation Plan to communities in person in a culturally appropriate manner</li> <li>▪ annually report on the activities conducted under the Caribou Offset and Mitigation Plan and the effectiveness of related monitoring, mitigation and adaptive management, to GNWT ENR, WRRB and IEMA</li> <li>▪ submit an updated Caribou Offset and Mitigation Plan for approval by GNWT ENR every three years. Prior to approval, the GNWT should provide the opportunity for public comment.</li> </ul> <p>iv. The GNWT will enforce the Caribou Offset and Mitigation Plan under the section 95 of the Wildlife Act.</p>			
<p><b>6-2(b): Research to Design Implement Successful Offsetting Design</b></p> <p>The GNWT will measure and evaluate the effectiveness of Dominion’s offsets that result from the approved Caribou Offset and Mitigation Plan.</p> <p>To better enable the GNWT to do this, it will conduct a study on the potential methods for evaluating and measuring the effectiveness of offsetting options described in the approved Caribou Offset and Mitigation Plan. The GNWT will publicly report on the results of the study within one year of the approval of the Caribou Offset and Mitigation Plan.</p>	GNWT	<ul style="list-style-type: none"> <li>▪ Arctic is not responsible for this measure. However, will provide information to the GNWT as needed.</li> <li>▪ There were no actions taken by Arctic Canadian regarding this measure during this reporting period.</li> </ul>	N/A
<p><b>6-3: Air Quality Emissions Monitoring and Management Plan</b></p> <p>In order to reduce adverse impacts from dustfall within the Jay Project area to caribou, so they are no longer significant, Dominion will finalize and implement the Air Quality Emissions Monitoring and Management Plan prior to construction. This plan will be applied throughout the construction, operation and closure phases of the Project.</p> <p>Dominion will:</p> <ul style="list-style-type: none"> <li>▪ describe how it will implement commitments made in this plan (PR#424 p1-5 to 1-6) along with management response linkages to the Caribou Road Mitigation Plan and the Caribou Offset and Mitigation Plan</li> <li>▪ reduce dustfall by continuing and improving the following management and monitoring practices, including: <ul style="list-style-type: none"> <li>○ applying dust suppressant to control dust emissions on haul roads during summer or non-frozen snow-free season</li> <li>○ managing vehicle speed to limit road dust from vehicle wheel entrainment</li> <li>○ implementing a dustfall monitoring program, methods, locations, monitoring parameters</li> <li>○ sampling lichen tissues (heavy metal parameters) snow chemistry sampling</li> <li>○ planning responses with triggers and action levels</li> <li>○ allowing opportunity for public comment on updates or changes to the Air Quality Emissions Monitoring and Management Plan</li> </ul> </li> </ul>	Arctic Canadian	<ul style="list-style-type: none"> <li>▪ There were no actions taken during this reporting period on this Measure.</li> </ul>	<p>Jay Project AQEMMP: <a href="http://reviewboard.ca/upload/project_document/EA1314-01_GNWT_-_AQEMMP_Measure_6-3.PDF">http://reviewboard.ca/upload/project_document/EA1314-01_GNWT_-_AQEMMP_Measure_6-3.PDF</a></p>

Measure	Party Responsible	Actions Taken During Reporting Period	Reference/ Applicable Regulatory Documents
<ul style="list-style-type: none"> <li>▪ annually report monitoring results, success or failure of dust mitigations and adaptive management to communities in person in a culturally appropriate manner</li> <li>▪ submit an updated Air Quality Emissions Monitoring and Management Plan for public review and approval process as required by the GNWT</li> </ul> <p>In addition, the GNWT will review and approve the Air Quality Emissions Monitoring and Management Plan as required by the Environmental Agreement and regulate in accordance with the <i>Environmental Protection Act</i>.</p>			
<p><b>6-4: Dustfall Standards</b></p> <p>Prior to construction, the GNWT will develop an interim dustfall objective for all types of dustfall that impact caribou and caribou habitat, including impacts on lichen and other caribou forage within the Jay Project zone of influence. The objective will reduce dust-related sensory disturbances to caribou to the greatest extent practicable.</p> <p>Dominion will use the interim dustfall objective to inform its actions to reduce impacts to caribou and caribou habitat from dustfall.</p>	GNWT	<ul style="list-style-type: none"> <li>▪ Arctic Canadian is not responsible for this measure. However, Arctic will provide information to the GNWT as needed.</li> <li>▪ There were no actions taken regarding this measure during this reporting period.</li> </ul>	N/A
<p><b>6-5: Traditional Knowledge-based Caribou Monitoring and Mitigation</b></p> <p>Dominion will:</p> <ul style="list-style-type: none"> <li>▪ develop and implement a collaborative research program incorporating Traditional Knowledge designed to identify the causes of the zone of influence for caribou avoidance within one year of acceptance of the Report of EA</li> <li>▪ summarize and report annually on this collaborative research program as part of the Wildlife Effects Monitoring Program reporting</li> <li>▪ implement the research findings which can help to reduce the size of the zone of influence on caribou</li> <li>▪ Dominion will fund a Traditional Knowledge Elders group drawn from Aboriginal organizations that participated in the EA. This group will: <ul style="list-style-type: none"> <li>○ advise on the construction and operation of the Jay road, esker crossing and waste rock management area egress ramps that limit impacts to caribou</li> <li>○ monitor caribou reactions to the Jay road use, esker crossing and waste rock storage area egress ramps in coordination with existing caribou management authorities</li> <li>○ report on the results of monitoring to Dominion, IEMA, regulators and Aboriginal organizations that participated in the EA</li> <li>○ recommend mitigation based on monitoring results</li> <li>○ recommend a contingency plan for the esker crossing if monitoring indicates that the road through the esker is a major barrier to caribou movement</li> </ul> </li> </ul> <p>This Traditional Knowledge group will be in place prior to construction, throughout operations and closure</p>	Arctic Canadian	<ul style="list-style-type: none"> <li>▪ Further information for this Measure can be found in the 2022 Annual WEMP Reporting.</li> <li>▪ Measure 6-5 also includes the Traditional Knowledge Elder's Group (TKEG). No TKEG meetings were held in 2021 or 2022, due to the mine coming out of a CCAA process in 2020 and restrictions caused by the Covid-19 pandemic. Regular mine operations have been resumed and Arctic Canadian will be looking to restart the TKEG in 2023</li> <li>▪ Members of the YKDFN, KIA, LKDFN, DKFN, FRMC, NSMA and Tłıchǫ communities had a site tour of the Point Lake area during the summer of 2022. Information about the Point Lake development was shared including the current status of the project with an emphasis on caribou mitigation and monitoring, and a tour of the Point Lake area to obtain TK and community feedback.</li> </ul>	<p>Traditional Knowledge Elders Group Terms of Reference: <a href="http://reviewboard.ca/upload/project_document/EA1314-01_DDEC_Traditional_Knowledge_Elders_Group_measure_6-5_.PDF">http://reviewboard.ca/upload/project_document/EA1314-01_DDEC_Traditional_Knowledge_Elders_Group_measure_6-5_.PDF</a></p>



	Measure	Party Responsible	Actions Taken During Reporting Period	Reference/ Applicable Regulatory Documents
<p><b>6-6: Timely Completion of Caribou Management Plans</b></p>	<p>To mitigate cumulative significant impacts from the Jay Project and other human activities on the Bathurst caribou herd, within one year of Ministerial approval of this Report of EA, the GNWT will:</p> <ul style="list-style-type: none"> <li>investigate and report on the causes for the current population change</li> <li>complete and implement an interim management plan for the Bathurst caribou herd</li> <li>implement an interim herd recovery strategy towards a sustainable and ongoing Aboriginal harvest</li> </ul> <p>Suggestion: GNWT should work towards producing interim thresholds for developments and other human activities within the range of the Bathurst caribou herd.</p>	<p>GNWT</p>	<ul style="list-style-type: none"> <li>As the GNWT is responsible for Measure 6-6, Arctic Canadian will not be reporting on this Measure in the manner as required by Measure 13-3, Items (a) through (d). Arctic Canadian continues to work with the GNWT on examining the causes of the caribou herd decline in NWT.</li> </ul>	<p>N/A</p>
<p><b>7-1: Traditional Knowledge Management Framework</b></p>	<p>In order to mitigate the Jay Project's cultural impacts to traditional use areas or culturally valued components like caribou, water or aquatic life, Dominion will develop a Traditional Knowledge Management Framework that describes protocols for collecting, storing, managing and using Traditional Knowledge. This will be done in a manner that is culturally suitable for each community. Dominion will use the Traditional Knowledge gathered through the framework to inform Project decision making. This framework will be developed prior to the construction phase of the Project and will apply for the lifetime of the Jay Project (construction, operations and closure phases).</p> <p>In developing the Traditional Knowledge Management Framework, Dominion will consult with each Aboriginal group affected by the Jay Project, in a culturally appropriate manner, while developing the protocols. Dominion will report annually on how Traditional Knowledge influenced Jay Project decision making.</p> <p>Suggestion: To ensure that Traditional Knowledge is consistently being used in a manner that is agreeable to Aboriginal groups, each Aboriginal group affected by the Jay Project should develop a standard Traditional Knowledge Use Protocol. This protocol would inform how Traditional Knowledge is captured, managed, reported on and used. This protocol would facilitate Dominion's effort in establishing a Traditional Knowledge Management Framework that is meaningful to Aboriginal groups. Aboriginal groups should work with Dominion to establish what Traditional values should be monitored for Jay Project impacts, and how monitoring should occur.</p>	<p>Arctic Canadian</p>	<ul style="list-style-type: none"> <li>There were no actions taken during the reporting period on this Measure.</li> </ul>	<p>TK Management Framework: MVEIRB: <a href="http://reviewboard.ca/upload/project_document/EA1314-01_DDEC_Traditional_Knowledge_Framework_measure_7-1.PDF">http://reviewboard.ca/upload/project_document/EA1314-01_DDEC_Traditional_Knowledge_Framework_measure_7-1.PDF</a> or</p> <p>WLWB: <a href="http://www.wlwb.ca/2016F0007/Ekati-Jay_Early_Works-Traditional_Knowledge_Management_Framework-May_16_17.pdf">W2016F0007/Ekati-Jay Early Works-Traditional Knowledge Management Framework-May 16 17.pdf</a></p>

	Measure	Party Responsible	Actions Taken During Reporting Period	Reference/ Applicable Regulatory Documents
<p><b>7-2: On the Land Culture Camp</b></p>	<p>In order to mitigate significant adverse impacts of the Jay Project on traditional use of the area and transmission of cultural values, Dominion will, during the construction and operations phases of the mine, support an on-the-land culture camp, in a traditionally used area near the Project. This culture camp will be used by Aboriginal groups to maintain or establish a connection with disturbed areas of land and restore Traditional Knowledge transfer between generations about the area affected by diamond mining.</p> <p>Dominion will consult with Aboriginal groups that participated in the environmental assessment to decide on the location, timing and frequency of use of the culture camp. Dominion will support the camp's use and access, financially or in-kind.</p>	<p>Arctic Canadian</p>	<ul style="list-style-type: none"> <li>▪ Arctic Canadian submitted a request to extend Land Use Permit W2017J0003 (to conduct land use activities for an on-the-land culture camp) on March 22,2022.</li> <li>▪ The extension was approved by the board on April 27, 2022, and now expires on June 19, 2024.</li> <li>▪ Arctic Canadian intends to proceed with a Culture Camp and is planning on future engagement to decide on what the Culture Camp should look like and an appropriate location to host it under the current mine development plan, including Point Lake.</li> </ul>	<p>Culture Camp Land Use Permit W2017J0003 Extension Request Approval Letter and Updated Permit: <a href="#">W2017J0003 – Ekati – Culture Camp – Land Use Permit – Extension – Apr 27 22.pdf</a></p>
<p><b>8-1: Minimize Negative Socio- Economic Impacts of the Project on Communities</b></p>	<p>In order to mitigate significant cumulative adverse socio-economic impacts of the Jay Project on health and well-being, the Government of the Northwest Territories will engage and work with diamond mining communities to adaptively manage adverse social impacts to health and well-being from the Jay Project, in combination with other diamond mining projects. As part of this process, the GNWT will actively investigate and address linkages of diamond mining effects on the health and well-being of affected communities. The GNWT will also meet with communities within one year of the Ministerial approval of this Report of EA, and annually thereafter, to discuss:</p> <ol style="list-style-type: none"> <li>1) priority social issues at the individual, family and community level related to diamond mining, as identified by communities and by the GNWT;</li> <li>2) the effectiveness of GNWT programs to address these identified issues; and,</li> <li>3) implementing improvements to mitigate identified issues.</li> </ol> <p>The GNWT will submit an annual progress report on the above to each diamond mining community, describing GNWT's engagement on and adaptive management of social impacts, and GNWT's plans to address identified issues.</p> <p>Suggestion: The GNWT should work with diamond mining communities to develop socio-economic baseline studies. The GNWT, working with communities, should:</p> <ul style="list-style-type: none"> <li>▪ assess the vulnerability of each community with a corresponding assessment of the community's resilience to socio-economic impacts, and capacity to adapt to them;</li> <li>▪ assess the existing cumulative impacts on well-being at multiple scales (including individual, family and community levels);</li> <li>▪ produce a definition of well-being and describe how it is measured; and,</li> <li>▪ establish qualitative and quantitative indicators of well-being appropriate for a socio-economic assessment.</li> </ul>	<p>GNWT</p>	<ul style="list-style-type: none"> <li>▪ The 2022 Arctic Canadian Diamond Socio-Economic Agreement Report was submitted to the GNWT on February 27<sup>th</sup>, 2023.</li> </ul>	<p>2022 Socio-Economic Agreement Report: <a href="https://arcticcanadian.ca/reports-resources/">https://arcticcanadian.ca/reports-resources/</a></p>

	Measure	Party Responsible	Actions Taken During Reporting Period	Reference/ Applicable Regulatory Documents
	<p>The focus of the study should be to establish threshold levels of acceptable social impacts, and evaluate how close each social impact indicator is to a threshold level.</p>			
<p><b>8-2: Supporting Increased Employment Opportunities for Women</b></p>	<p>To mitigate significant adverse socio-economic impacts on women, Dominion will consult with the Government of the Northwest Territories, the Status of Women Council of the NWT and the Native Women’s Association of the NWT to update its strategy for the training, recruitment and employment of women in traditional and non-traditional occupations, prior to the construction phase of the Jay Project. Where Dominion has community liaisons, they will serve as additional resources for implementing initiatives for training, recruitment and employment of women.</p> <p>Dominion will report on employment and retention figures for women, and on the effectiveness of its revised policy, as part of its reporting per measure 13-1.</p>	<p>Arctic Canadian</p>	<ul style="list-style-type: none"> <li>▪ As a result of the Point Lake permitting process, and the removal of the Jay Project from the water licence, this Jay EA Measure will not be carried forward.</li> </ul>	<p>N/A</p>
<p><b>9-1: Incineration – Stack Testing and Reporting</b></p>	<p>To reduce the likelihood of impacts resulting from the release of dioxins and furans, Dominion will conduct incinerator stack testing at least every three years and submit any stack test results to the GNWT Department of Environment and Natural Resources and Environment Canada no more than 90 days after the completion of stack testing. No more than 120 days after any failed stack test, (with failure determined according to the Canada Wide Standards for Dioxins and Furans or applicable regulation or guidance developed by the GNWT), Dominion will:</p> <ol style="list-style-type: none"> <li>1) Develop an Adaptive Management Response Plan, containing: <ol style="list-style-type: none"> <li>a. An assessment of the incinerator operations and management that contributed to the failed stack test, and methods to rectify them.</li> <li>b. A consideration of the need for increased monitoring of incinerator operational indicators associated with the formation of dioxins and furans. This may include inline continuous emission monitoring for, but not limited to: flow of flue gas, oxygen content, and carbon monoxide.</li> </ol> </li> <li>2) Submit the Adaptive Management Response Plan to the GNWT Department of Environment and Natural Resources and Environment Canada.</li> <li>3) Implement the methods identified by Dominion (under 1a above) no later than the submission of the Response Plan, and earlier if feasible.</li> </ol> <p>Dominion will re-stack test the incinerators within six months of the initial failed stack test. This second stack test will verify the effectiveness of the methods proposed and implemented in the Adaptive Management Response Plan and demonstrate compliance with the Canada-wide Standards for Dioxins and Furans. All stack tests must be conducted in accordance with national standards, and include detailed documentation to</p>	<p>Arctic Canadian</p>	<ul style="list-style-type: none"> <li>▪ As a result of the Point Lake permitting process, and the removal of the Jay Project from the water licence, this Jay EA Measure will not be carried forward.</li> </ul>	<p>N/A</p>

	Measure	Party Responsible	Actions Taken During Reporting Period	Reference/ Applicable Regulatory Documents
	<p>demonstrate that representative composition and batch size of waste were used during the testing process.</p> <p>Exemptions for the second stack test may occur based on a review of the factors that contributed to the failed stack test and approval of the Adaptive Management Response plan by GNWT Department of Environment and Natural Resources, in consultation with Environment Canada.</p> <p>The Review Board suggests that the developer, in consultation with the GNWT and EC, assess the feasibility and utility of additional inline continuous emission monitoring and provide a report of the findings within one year of Ministerial approval of this Report of EA.</p>			
<p><b>9-2: Reporting on Greenhouse Gas Emission and Management</b></p>	<p>Dominion will provide, in its Air Quality Emissions Monitoring and Management Plan annual report, information on its greenhouse gas management for all Project phases including, but not limited to:</p> <ul style="list-style-type: none"> <li>▪ A calculation of greenhouse gas emissions by combustion source;</li> <li>▪ greenhouse gas emissions reduction targets for the upcoming year and how they were determined;</li> <li>▪ reporting of whether past reduction targets were achieved and how, or if they were not, why;</li> <li>▪ a description of monitoring including the parameters, methods, frequency, and data analysis;</li> <li>▪ a description of adaptive policies, strategies and mitigative actions undertaken, or proposed, to reduce greenhouse gas emissions, including but not limited to: <ul style="list-style-type: none"> <li>○ the results of Dominion’s proposed ore hauling pilot study, including a description of greenhouse gas emissions for each alternative hauling method studied compared to existing and/or proposed strategies;</li> <li>○ the results of Dominion’s proposed concept study on the use of alternative energies to offset a portion of the Jay Project’s energy needs, including the methods and analysis; and,</li> <li>○ if the concept study leads to a feasibility study on the use of alternative energy to offset a portion of the Jay Project’s energy needs, report on the results, including the methods and analysis.</li> </ul> </li> </ul> <p>During its community visits, Dominion will engage on its greenhouse gas emissions management, and report on how results of past engagement have been incorporated into Dominion’s management of greenhouse gas emissions.</p>	<p>Arctic Canadian</p>	<ul style="list-style-type: none"> <li>▪ For more information on the Jay Project AQEMMP see Measure 6-3 or the Review Board public online registry under EA1314-01 for the Jay Project (or at <a href="#">EA1314-01 GNWT - AQEMMP Measure 6-3</a>)</li> <li>▪ Ekati is committed to optimizing the use of Dual-Powered Road Trains (larger trucks which make hauling more efficient) as means to reduce overall traffic on long haul roads such as the Misery Haul Road.</li> <li>▪ The Ekati Diamond Mine reports pollutant emissions to the NPRI on an annual basis for the Ekati mine site and through regular site-wide Air Quality monitoring data reporting, which can be found on the WLWB online public registry under files W2012L2-0001 and W2020L2-0004. Greenhouse gas emissions are reported to the Greenhouse Gas Reporting Program (GHGRP) for Environment and Climate Change Canada.</li> <li>▪ Ekati continues to see benefits from energy reduction projects such as the composter, the Weir at Dike D, the Compressed Air System Improvement Project, and the LED Lighting Project.</li> </ul>	<p>Jay Project AQEMMP: <a href="#">EA1314-01 GNWT - AQEMMP Measure 6-3</a></p> <p>Alternative Energies Study: <a href="#">EA1314-01 DDEC Alternative Energy Concept Study 01-Feb-2017 Commitment 52</a></p>



	Measure	Party Responsible	Actions Taken During Reporting Period	Reference/ Applicable Regulatory Documents
<p><b>13-1: Monitoring and Adaptive Management by Dominion</b></p>	<p>In order to ensure that the measures that Dominion is responsible for are fully and effectively implemented, and significant adverse impacts on the environment are mitigated, throughout all phases of the development, Dominion will:</p> <ol style="list-style-type: none"> <li>1. Implement monitoring programs to fulfill the following objectives:</li> <li>2. to measure the effects of the Jay Project on the environment;</li> <li>3. to assess the implementation and effectiveness of the measures in this Report of EA to prevent or minimize impacts on the environment;</li> <li>4. to assess the accuracy of predictions made during the environmental assessment, regarding the impacts of the project on the environment; and,</li> <li>5. to provide relevant data and information to support regional monitoring initiatives.</li> <li>6. Implement adaptive management processes that use the results of monitoring programs to systematically adjust mitigation actions in order to minimize adverse impacts on the environment.</li> </ol>	<p>Arctic Canadian</p>	<ul style="list-style-type: none"> <li>▪ The Ekati Diamond Mine proposed various monitoring programs for the Jay Project in the documents associated with the updated permit and Water Licence applications submitted to the WLWB in 2016. These programs underwent a public review during the water licencing process, which occurred from June 2016 to May 2017 during which time the programs were refined based on comments and input received.</li> <li>▪ Ekati developed a WEMP and AQEMMP which also outlined associated monitoring programs. These documents included public review and input and were approved by the GNWT in May of 2017 (see Measure 6-3 and Measure 6-1 in this report or on the Review Board's public online registry for the Jay Project.</li> <li>▪ On October 31, 2019 an Aquatic Effects Monitoring Program Design Plan Version 1.1 for the Jay Project was submitted to the WLWB. The AEMP Design Plan for the Jay Project was developed to satisfy the requirements outlined in Part J of WL W2012L2-0001 for the Jay Project. In November 2019 this document was distributed for a public review period. A Board decision on Version 1.1 was received on July 28, 2020 and it was recommended that Arctic Canadian create a Version 1.2 to address multiple items.</li> <li>▪ Due to the withdrawal of plans to complete Jay, the updated AEMP design plan was not created.</li> <li>▪ Due to the Covid-19 pandemic, which put site under Care and Maintenance, and with the withdrawal of all Jay related activities, no specific actions were taken to address this Measure in 2021 or 2022. Adaptive management and the results of other applicable monitoring or management plans (e.g., AQEMMP, WEMP, CRMP, AEMP) will be the same for 2022 as what was reported in the 2020 and 2021 Jay EA Measure Report.</li> </ul>	<p>Current Water Licence: <a href="#">W2020L2-0004</a></p> <p>Jay Project Land Use Permit: <a href="#">W2013D0007/Ekati Jay Development - Land Use Permit-Jan 25 18.pdf</a></p> <p>Measure 6-1: <a href="http://reviewboard.ca/upload/project_document/EA1314-01_GNWT_-_WEMP_Including_Caribou_Road_Mitigation_Plan_measure_6-1.PDF">http://reviewboard.ca/upload/project_document/EA1314-01_GNWT_-_WEMP_Including_Caribou_Road_Mitigation_Plan_measure_6-1.PDF</a></p> <p>Measure 6-3: <a href="http://reviewboard.ca/upload/project_document/EA1314-01_GNWT_-_AQEMMP_Measure_6-3.PDF">http://reviewboard.ca/upload/project_document/EA1314-01_GNWT_-_AQEMMP_Measure_6-3.PDF</a></p> <p>WLWB Aquatic Effects Monitoring Program Design Plan Version 1.1 Reason for Decision: <a href="#">W2012L2 – Ekati – AEMP – Jay EMP – Version 1.1 – Reasons for Decision – Jul 28 20.pdf</a></p>
<p><b>13-2: Engagement on Cultural Impacts</b></p>	<p>In order to evaluate and, through adaptive management, improve the effectiveness of Dominion's mitigation of cultural impacts, Dominion will:</p> <ol style="list-style-type: none"> <li>a) engage with Aboriginal groups that participated in the environmental assessment to identify cultural impacts, including cumulative impacts, from the Jay Project;</li> <li>b) seek the input of those Aboriginal groups on ways to strengthen Dominion's cultural impact mitigation initiatives; and,</li> <li>c) report annually to those Aboriginal groups on the effectiveness of Dominion's efforts to mitigate cultural impacts.</li> </ol>	<p>Arctic Canadian</p>	<ul style="list-style-type: none"> <li>▪ As a result of the Point Lake permitting process, and the removal of the Jay Project from the water licence, this Jay EA Measure will not be carried forward.</li> </ul>	<p>N/A</p>



	Measure	Party Responsible	Actions Taken During Reporting Period	Reference/ Applicable Regulatory Documents
<p><b>13-3: Annual Reporting from Dominion</b></p>	<p>In order to demonstrate how measures are being implemented and to evaluate the effectiveness of Dominion's efforts to prevent or minimize impacts on the environment, Dominion will, throughout all phases of the development, prepare an annual Report on Implementation of Measures. The Report will address the EA measures that Dominion is responsible for and will:</p> <p>a) describe the actions, including actions implemented through adaptive management, being undertaken to implement the EA measures;</p> <p>b) demonstrate how the implementation actions, including any actions implemented through adaptive management, fulfill the intent of the EA measures, including consideration of the following questions:</p> <ol style="list-style-type: none"> <li>i. How are implementation actions addressing a likely significant adverse impact on the environment?</li> <li>ii. How effective are implementation actions at reducing, controlling, or eliminating the impact or its likelihood?</li> <li>iii. If the measure is for monitoring or research, how is the monitoring/research being used to inform mitigation of impacts to the environment?</li> <li>iv. How are process considerations (such as engagement requirements, etc.) being considered, and, if applicable, how are they affecting implementation of the EA measures?</li> </ol> <p>c) include a concise summary of monitoring programs and results that are related to EA measures or commitments and, where applicable, references to complete information contained in other documents (such as documents related to aquatic effects, wildlife, or air quality programs); and,</p> <p>d) address any specific reporting requirements noted in the EA measures set out in this report and summarized in Appendix A.</p> <p>Dominion will provide a copy of this annual report to the Review Board prior to July 1 of each year.</p>	<p>Arctic Canadian</p>	<ul style="list-style-type: none"> <li>▪ Ekati Diamond Mine ownership has shown due diligence in reporting to all Measures that were outlined in the REA. This also includes Measures that were directed to other regulatory bodies, as Ekati has assisted in the completion or ongoing work of a specific measure. See links in the "Reference/Applicable Regulatory Documents" column of this report for hyperlinks to previous Jay EA Measures Annual Reports. The submission of this annual report for 2022 is further evidence in taking action to implement Measure 13-3.</li> </ul>	<p>Report of Environmental Assessment and Reasons for Decision - Jay Project EA1314-01: <a href="http://reviewboard.ca/upload/project_document/EA1314-01_Report_of_Environmental_Assessment_and_Reasons_for_Decision.PDF">http://reviewboard.ca/upload/project_document/EA1314-01_Report_of_Environmental_Assessment_and_Reasons_for_Decision.PDF</a></p> <p>2016 Jay Project EA Annual Report: <a href="https://reviewboard.ca/upload/project_document/EA1314-01_Measure_13-3_Annual_Reporting-30-June-2016.PDF">https://reviewboard.ca/upload/project_document/EA1314-01_Measure_13-3_Annual_Reporting-30-June-2016.PDF</a></p> <p>2017 Jay Project EA Annual Report: <a href="https://reviewboard.ca/upload/project_document/EA1314-01_DDEC_2017_JAY_EA_ANNUAL_REPORT_FINAL_30june2017_3.PDF">https://reviewboard.ca/upload/project_document/EA1314-01_DDEC_2017_JAY_EA_ANNUAL_REPORT_FINAL_30june2017_3.PDF</a></p> <p>2018 Jay Project EA Annual Report: <a href="https://reviewboard.ca/upload/project_document/Measure%2013-3_2018%20JAY%20PROJECT%20ANNUAL%20REPORT_28June2019.pdf">https://reviewboard.ca/upload/project_document/Measure%2013-3_2018%20JAY%20PROJECT%20ANNUAL%20REPORT_28June2019.pdf</a></p> <p>2019 Jay EA Annual Report: <a href="https://reviewboard.ca/upload/project_document/Dominion-2019%20Jay%20EA%20Measures%20Annual%20Report_30%20June%202020.pdf">https://reviewboard.ca/upload/project_document/Dominion-2019%20Jay%20EA%20Measures%20Annual%20Report_30%20June%202020.pdf</a></p> <p>2020 Jay EA Annual Report: <a href="https://reviewboard.ca/upload/project_document/2020%20Jay%20Project%20EA%20Measures%20Annual%20Report_Final.pdf">https://reviewboard.ca/upload/project_document/2020%20Jay%20Project%20EA%20Measures%20Annual%20Report_Final.pdf</a></p>

	Measure	Party Responsible	Actions Taken During Reporting Period	Reference/ Applicable Regulatory Documents
				2021 Jay EA Annual Report: <a href="https://reviewboard.ca/upload/project_document/2021%20Jay%20EA%20Annual%20Report.pdf">https://reviewboard.ca/upload/project_document/2021%20Jay%20EA%20Annual%20Report.pdf</a>
<b>13-4: Annual Reporting from Government and Regulatory Authorities</b>	<p>In order to evaluate the effectiveness of mitigation measures for the protection of the environment, each regulatory authority or government that is wholly or partly responsible for implementation of any measure in this Report of EA will prepare an annual Report on Implementation of Jay Project Measures. The Report will:</p> <ul style="list-style-type: none"> <li>a) describe the actions being undertaken to implement the EA measures or the part(s) of the EA measure for which the regulatory authority or government is responsible; and,</li> <li>b) explain how the implementation actions, including any actions implemented through adaptive management, fulfill the intent of the EA measures, including consideration of the following questions: <ul style="list-style-type: none"> <li>v. How are implementation actions addressing a likely significant adverse impact on the environment?</li> <li>vi. How effective are implementation actions at reducing, controlling, or eliminating the impact or its likelihood?</li> <li>vii. If the measure is for monitoring or research, are the implementation actions clearly linked to mitigation and/or operations?</li> <li>viii. How are process considerations (such as consultation or engagement requirements, statutory obligations, etc.) being considered, and, if applicable, how are they affecting implementation of the EA measures?</li> </ul> </li> </ul> <p>Prior to July 1 of each year, during all phases of the Jay Project to which a particular measure applies, each regulatory authority and government will provide a copy of this annual report to the Review Board.</p>	GNWT/ WLWB	<ul style="list-style-type: none"> <li>▪ Arctic Canadian is not responsible for this measure.</li> </ul>	N/A