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October 4, 2019

Kate Mansfield
Senior Environmental Assessment Officer
Mackenzie Valley Environmental Impact Review Board
5102 – 50th Avenue
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Via email: kmansfield@reviewboard.ca

Dear Ms. Mansfield,

Government of Canada Closing Arguments regarding Diavik's proposed deposition of processed kimberlite in pits and underground [EA1819-01]

On behalf of the Government of Canada, thank for the opportunity to provide our closing arguments for the Mackenzie Valley Environmental Impact Review Board's ("Review Board") environmental assessment of Diavik Diamond Mines Inc.'s ("DDMI") proposal to deposit processed kimberlite in pits and underground.

Attached for your consideration are closing arguments from the Federal departments, Fisheries and Oceans and Environment and Climate Change Canada.

We look forward to participating in further stages of the review of this proposed project. Should you have any questions, please do not hesitate to contact Senior Project Manager Adrian Paradis at 867-669-2595 or by email at adrian.paradis@canada.ca.

Sincerely,

Lisa Dyer
Director General
Northern Projects Management Office



cc: Mary Taylor, Environmental Protection Operations Directorate Environment and Climate Change Canada
Tom Hoggarth, Director General, Ecosystems Management Fisheries and Oceans Canada, Central and Arctic Region
Shari Currie, Regional Director General, Prairie and Northern Region, Transport Canada
Patrick O'Neill, Director General, Explosives, Safety and Security Branch, Natural Resources Canada
Chantal Roberge, Director, Environmental Health and Internationally Protected Persons, Health Canada
Mark Hopkins, Director General, Crown Indigenous Relations and Northern Affairs



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October 4th, 2019

MVEIRB file : EA1819-01

DFO file: 98-HCAA-CA6-00021

Mackenzie Valley Environmental Impact Review Board
Attention: Mark Cliff-Phillips, Executive Director
200 Scotia Centre
Box 938, 5102-50th Ave
Yellowknife, NT
X1A 2N7

Dear Mark Cliff-Phillips:

Subject: EA1819-01 – Diavik Diamond Mines Inc. Processed Kimberlite into Mine Workings Project – DFO Intervention

Fisheries and Oceans Canada – Fish and Fish Habitat Protection Program (DFO-FFHPP) would like to thank the Mackenzie Valley Environmental Review Board (MVEIRB) for the opportunity to participate in environmental assessment process no.1819-01 for the review of Diavik Diamond Mines Inc.'s (DDMI) proposal to deposit processed kimberlite into its pits and underground mine workings.

DFO-FFHPP's attached closing arguments are based on our departmental mandate under the *Fisheries Act*, specifically the management and protection of fish and their habitat in both the freshwater and marine environments. DFO-FFHPP's closing arguments summarize the position put forward in our intervention and during the Public Hearings held from September 3, 2019 to September 6, 2019.

DFO-FFHPP trusts that our closing arguments will be helpful to the MVEIRB in their deliberations regarding the outcome of this proposal.

If you or any other parties have any questions, please contact Alexandra Sorckoff at 867-669-4934, or by email at Alexandra.Sorckoff@dfo-mpo.gc.ca. Please refer to the file number referenced above when corresponding with the Program.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Thomas Hoggarth', with a long horizontal stroke extending to the right.

Thomas Hoggarth
Regional Director, Ecosystems Management
Central & Arctic Region
Fisheries and Oceans Canada

Copy: Alexandra Sorckoff, DFO
Tatiana Leclerc-Beaulieu, DFO
Daniel Coombs, DFO
Marek Janowicz, DFO



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Closing Arguments

Diavik Diamond Mines Inc. – Environmental Assessment
1819-01

Submitted to: **Mackenzie Valley Environmental
Impact Review Board**

October 4, 2019

DFO File No.: 98-HCAA-CA6-00021
MVEIRB File No.: EA1819-01

Canada

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Executive Summary

Diavik (The Project) is a diamond mine owned by Diavik Diamond Mines Inc. (Diavik or the Proponent) on the East Island in Lac de Gras in Northwest Territories. The Project went through a prior Environment Assessment (EA) during the spring of 1999 and is currently in operation and involved the construction and operation of dikes on the shore of the east island to excavate kimberlite from three kimberlite pipes: A121, A154, and A418. Fisheries and Oceans Canada (The Program or DFO-FFHPP) was an active participant in and a responsible authority in the decision of the EA.

The Fish and Fish Habitat Protection Program of Fisheries and Oceans Canada is responsible on behalf of the department for regulatory review of proposed developments occurring in or near Canadian fisheries waters. The Program, in accordance to its mandate, has reviewed Diavik's application and supplemental information provided to the Wek'èzhii Land and Water Board (WLWB) to amend water license no. W2015L2-0001 and the Mackenzie Valley Environmental Impact Review Board (MVEIRB) EA 1819-01 to allow the deposition of processed kimberlite into the pits and underground mine. DFO-FFHPP mandate is to maintain the sustainability and ongoing productivity of fisheries, including marine mammals and their habitat. DFO-FFHPP's primary focus in reviewing proposed developments in and around fisheries waters is to ensure that works, undertakings and activities are conducted in compliance with the applicable provisions of the *Fisheries Act*.

The fisheries protection provisions of the *Fisheries Act* (2013), specifically subsection 35(1), state that "*No person shall carry on any work, undertaking or activity that results in serious harm to fish that are part of a commercial, recreational or Indigenous fishery or to fish that support such a fishery.*" However, under paragraph 35(2)(b) of the *Fisheries Act*, the Minister of Fisheries and Oceans may issue an authorization with terms and conditions in relation to a proposed work, undertaking or activity that may result in serious harm to fish. Serious harm to fish is defined in Section 2 of this Act as the death of fish or any permanent alteration to, or destruction of, fish habitat.

DFO-FFHPP issued an authorization for harmful alteration, disruption, and destruction of fish habitat (SC980001), in August 2, 2000. The proposed deposition of processed kimberlite will be within the original geographic footprint of this authorization.

DFO-FFHPP is providing the following closing arguments in response to the Mackenzie Valley Environmental Impact Review Board's (MVEIRB) correspondence dated September 11, 2019, indicating that closing arguments from interveners are due October 4, 2019.

Impacts to Fish and Fish Habitat

Diavik submitted a No Net Loss Plan and No Net Loss Addendum in August 1998 and April 1999, respectively, and approved on August 2nd, 2000. These plans were developed to mitigate fish habitat losses associated with the project, one of the major components being the construction and operation of dikes on the shore of the East Island in Lac de Gras, as per DFO's *Policy for the Management of Fish Habitat* (1986). Current offsetting plans for the harmful alteration, disruption, and destruction of fish habitat caused by the construction and operation of the dikes include the construction of shallow rearing habitat, spawning shoals, and shoreline habitat within the diked areas following the completion of mining in each open pit, which would provide fish habitat upon reconnection to Lac de Gras. These habitat features would provide in-kind fish habitat offsetting consistent with DFO's Productivity Investment Policy. DFO-FFHPP recommends that Diavik apply for an amendment to their existing authorization to reflect changes to the mine and any changes required to the offsetting plan currently approved by DFO-FFHPP. DFO-FFHPP also recommends that Diavik update monitoring plans related to fish and fish habitat in the pits and the surrounding Lac de Gras to reflect the proposed changes to the mine as dictated by MVEIRB's decision.

1 Introduction

This technical review submission summarizes Fisheries and Oceans Canada (DFO) – Fish and Fish Habitat Protection Program’s (FFHPP) assessment and recommendations concerning the deposition of processed kimberlite into the pits and underground mine at Diavik Diamond Mine (the Project). The purpose of these interventions is to provide expert advice to the Mackenzie Valley Environmental Impact Review Board (MVEIRB) regarding the completeness of the provided information and identify potential impacts to fish and fish habitat associated with the project changes.

This submission focuses on information provided in Diavik’s application to the Wek’èezhii Land and Water Board (WLWB) to amend water license no. W2015L2-0001 and the Mackenzie Valley Environmental Impact Review Board (MVEIRB) EA 1819-01 . The objective being to analyse the information presented by Diavik Diamond Mines Inc. in support of the water licence amendment, EA and reflects DFO-FFHPP’s mandate.

2 Mandate, Relevant Legislation and Policy

The *Constitution Act* (1982) provides the Federal Government with exclusive authority for coastal and inland fisheries within Canada’s territorial boundaries. DFO exercises this power through the administration of the *Fisheries Act* and some aspects of the *Species at Risk Act*. Under the *Fisheries Act*, DFO is responsible for the management, protection and conservation of fish (which include marine mammals as defined by the *Fisheries Act*) and their habitats. The Minister of Fisheries, Oceans and the Canadian Coast Guard is one of the competent ministers under the *Species at Risk Act* (SARA).

In general, DFO-FFHPP undertakes the review of proposed project in and around fisheries waters to ensure that works, activities and undertakings are conducted in such a way that the proponents are in compliance with the applicable provisions of the *Fisheries Act*.

Bill C-68

On February 6, 2018, the Government of Canada introduced in Parliament Bill C-68, *An Act to Amend the Fisheries Act and other Acts in Consequence*. On June 21, 2019 the new *Fisheries Act* received royal assent and became law.

The Fish and Fish Habitat Protection Provisions, of the new Act, did not come into force until **August 28th, 2019**. As such this project assessment began under the older *Fisheries Act* (2012) but will be assessed in the regulatory phase under the new *Fisheries Act* (2019).

The new *Fisheries Act* (2019): As of **August 28th, 2019**, new Fish and Fish Habitat Protection Provisions (FFHPP) of the *Fisheries Act* came into force. From the provisions, there are two key prohibitions:

- **Subsection 34.4(1)** of the *Fisheries Act* (2019) prohibits the carrying on of any work, undertaking or activity, other than fishing, that results in the death of fish, and
- **Subsection 35(1)** of the *Fisheries Act* (2019) prohibits the carrying on of any work, undertaking or activity that results in the harmful alteration, disruption or destruction of fish habitat.

The new *Fisheries Act* (2019) includes the following definitions:

- *“fish” includes (a) parts of fish, (b) shellfish, crustaceans, marine animals and any parts of shellfish, crustaceans or marine animals, and (c) the eggs, sperm, spawn, larvae, spat and juvenile stages of fish, shellfish, crustaceans and marine animals.*
- *“fish habitat” means water frequented by fish and any other areas on which fish depend directly or indirectly to carry out their life processes, including spawning grounds and nursery, rearing, food supply and migration areas.*
- *“Death of Fish” means any action that results in the end of life of fish. Furthermore, No person shall carry on any work, undertaking or activity, other than fishing, that results in the death of fish.*
 - *“Work” means a physical thing that has been created through labour or the exercise of creative process that has some degree of permanency or lasting quality;*
 - *“Undertaking” means to take upon oneself a task;*
 - *“Activity” means physical task incidental to a work or undertaking as well as physical tasks that may not qualify as works or undertakings.*
- *“Harmful Alteration, Disruption and Destruction of fish habitat” is defined as follows:*
 - *Harmful alteration of fish habitat is any permanent change to fish habitat that reduces its capacity to support one or more life processes of fish but does not permanently eliminate the fish habitat.*
 - *Disruption of fish habitat is any change to fish habitat occurring for a limited period that reduces its capacity to support one or more life processes of fish for a limited period.*

- *Destruction of fish habitat is any permanent change to fish habitat that completely eliminates its capacity to support one or more life processes of fish.*

Under paragraphs 34.4(2)(b) and 35(2)(b) of the *Fisheries Act*, the Minister of Fisheries, Oceans and the Canadian Coast Guard (the Minister) may issue an authorization with terms and conditions in relation to a proposed work, undertaking or activity that may result in death of fish or harmful alteration, disruption or destruction of fish habitat. Factors that the Minister must consider prior to recommending to the Governor-in-Council regulations or the Minister exercising powers related to authorizations, permits, orders or Ministerial regulations include:

- (a) the contribution to the productivity of relevant fisheries;
- (b) fisheries management objectives;
- (c) whether there are measures and standards;
- (d) the cumulative effects;
- (e) any fish habitat banks;
- (f) whether any measures and standards to offset the harmful alteration, disruption or destruction of fish habitat give priority to the restoration of degraded fish habitat;
- (g) Indigenous knowledge of the Indigenous peoples of Canada that has been provided to the Minister; and
- (h) any other factor that the Minister considers relevant.

DFO-FFHPP is guided by the new “Fish and Fish Habitat Protection Program Policy Statement (2019)”. This Policy provides guidance on undertaking effective measures to offset death of fish and the harmful alteration, disruption or destruction of fish habitat, consistent with the fish and fish habitat protection provisions of Canada’s *Fisheries Act*.

The “Policy for Applying Measures and Standards to Offset Impacts to Fish and Fish Habitat Under the Fisheries Act (2019)” was prepared by DFO to provide an overview of how to apply measures and standards to offset for impacts to fish and fish habitat. Furthermore this policy is intended to support the conservation and protection of fish and fish habitat, including objectives, guiding principles and types of measures; and describes step-by-step procedures for developing an offsetting plan.

The *Species at Risk Act* (SARA) is intended to prevent Canadian indigenous species, subspecies and distinct populations of wildlife from being extirpated or becoming extinct. SARA facilitates the recovery of wildlife species that are extirpated, endangered or threatened as a result of human activity and manage species of special concern (to prevent them from becoming endangered or threatened). The Minister is the competent minister for listed aquatic species

that are fish as defined in the *Fisheries Act* Section (2) and for marine plants as defined in the *Fisheries Act*, Section 47.

Environmental and Climate Change Canada (ECCC) is responsible for the administration and enforcement of the pollution prevention provisions of the *Fisheries Act*, Sections 34 and 36-42 on behalf of DFO.

For more information, see: <http://www.dfo-mpo.gc.ca/pnw-ppe/pol/index-eng.html>

3 Closing Arguments

3.1 Impacts to Fish and Fish Habitat

Review Comment Number	3.1 Offsetting
Subject/Topic	Offsetting habitat losses
References	<ul style="list-style-type: none"> • Diavik Diamonds Project No Net Loss Plan, August 1998. • Addendum to the Diavik Diamond Mines “No Net Loss” Plan, April 1999. • Fisheries and Oceans Canada Authorization for Works or Undertaking Affecting Fish Habitat, DFO File No. SC98001. August 2, 2000. • Fitzsimons, J.D. 2013. Assessment of the Use of Dikes at Diavik Diamond Mine Lac de Gras for Lake Trout Spawning 2011. Department of Fisheries and Oceans. • Diavik Diamond Mines Inc. (DDMI) Fisheries Act Authorization SC98001 – amended conditions. August 22, 2013. • DDMI Commitments for the Processed Kimberlite to Mine Workings Project Proposal. September 20, 2019.
Summary	<p>DFO-FFHPP notes that Diavik has an existing <i>Fisheries Act</i> Authorization for the Diavik Diamond Mine project which authorized the harmful alteration, disruption, and destruction of fish habitat arising from the construction and operation of dikes along the shore of the east island in Lac de Gras.</p> <p>The conditions of the existing <i>Fisheries Act</i> Authorization requires Diavik to create shallow rearing, shoal spawning, and shoreline habitat within the pits and on the exterior of the dikes, as per the No Net Loss Plan and Addendum. The existing No Net Loss Plan and Addendum indicate that the total number of habitat units impacted by the dikes is 2,432 HUs, with 2,618 HUs gained by the proposed offsetting.</p> <p>The existing <i>Fisheries Act</i> authorization was amended in August 2013, with conditions regarding offsetting on the dike exterior replaced to reflect the results in <i>Assessment of the Use of Dikes at Diavik Diamond Mine Lac de Gras for Lake Trout Spawning 2011</i> (Fitzsimons, 2013), which indicated the establishment of lake trout spawning habitat along the exterior of the dikes was unfeasible. As such, offsetting for fish habitat impacts associated with the dikes are currently limited to the creation of habitat within the dikes, which will be reconnected to Lac de Gras via breaching of the dikes.</p>
Importance of issue to the impact assessment process	<p>Diavik’s proposal to deposit processed kimberlite into the pits and underground mine workings is not anticipated to result in further harmful alterations, disruptions, and destruction to fish habitat not covered in the existing <i>Fisheries Act</i> authorization. However, DFO-FFHPP notes that Diavik’s proposal raised concerns with Indigenous groups and stakeholders, particularly regarding water quality and subsequent impacts to fish following reconnection of the pits to Lac de Gras.</p>

<p>Detailed Review Comment</p> <ol style="list-style-type: none"> 1. Gap/Issue 2. Disagreement with conclusion 3. Reasons for disagreement with conclusion 	<p>DFO-FFHPP is of the understanding that the deposition of processed kimberlite (PK) in the pits and underground mine workings will not result in any additional harmful alterations, disruptions, or destruction to fish habitat not covered by the existing <i>Fisheries Act</i> authorization such that additional offsetting would be required. Reconnection of the pits to Lac de Gras is dependant on the results of water quality monitoring and tailings stability, which falls under the mandate of Environment and Climate Change Canada (ECCC). Should water quality be deemed to be of a quality that would be harmful to aquatic life, thereby rendering reconnection of the pits to Lac de Gras as not viable, Diavik would need to provide an updated offsetting plan to ensure that harmful alterations, disruptions, and destruction of fish habitat accrued from the construction and operation of the dikes is effectively offset, as required by their <i>Fisheries Act</i> authorization. Diavik has committed to working with DFO-FFHPP to develop alternative offsetting strategies in the event that the Board determines that reconnection is no longer acceptable.</p> <p>In the event that Diavik’s proposal is approved by the Board, Diavik has committed to monitor water quality in the pits and Lac de Gras following breaching of the dikes, as well as continuing the Aquatic Environmental Monitoring Program (AEMP) in Lac de Gras, which includes monitoring of fish. Monitoring programs such as the AEMP were developed when there was no intent to fill the pits with processed kimberlite. As such, monitoring programs in the pit and in the surrounding Lac de Gras should be appropriately updated to reflect the changes to the mine, including the monitoring plan for the current offsetting required by DFO-FFHPP.</p>
<p>Recommendation/Request</p>	<p>Recommendation 3.1.1: DFO retains the recommendation that Diavik continue to work with DFO-FFHPP to amend the existing authorization to reflect the proposed changes to the mine, and update their offsetting accordingly to ensure that any outstanding impacts to fish habitat are adequately offset.</p> <p>Recommendation 3.1.2: DFO recommends that Diavik update monitoring plans related to fish, fish habitat, and offsetting that have the potential to be impacted by the proposal to deposit processed kimberlite into the pits and underground mine workings, should the MVEIRB determine that the proposal may proceed to the regulatory phase.</p>

3.2 Additional References

- DFO (Fisheries and Oceans Canada). 1986. Policy for the Management of Fish Habitat.
- DDMI Water License W2015L2-0001 Amendment Request for the Deposition of Processed Kimberlite to Mine Workings, June 1, 2018.

4 Summary of Recommendations

Offsetting		
1. Offsetting		
1	Ref. 3.1.1	DFO recommends that Diavik continue to work with DFO-FFHPP to amend the existing authorization to reflect the proposed changes to the mine, and update the offsetting accordingly to ensure that any outstanding impacts to fish habitat are adequately offset.
2	Ref. 3.1.2	DFO recommends that Diavik update monitoring plans related to fish and fish habitat that have the potential to be impacted by the proposal to deposit processed kimberlite into the pits and underground mine workings, should the MVEIRB determine that the proposal may proceed to the regulatory phase.

Environmental Protection Operations Directorate
Prairie & Northern Region
5019 52nd Street, 4th Floor
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Yellowknife, NT X1A 2P7

ECCC File: 5100 000 036/010
MVEIRB File: EA1819-01



October 4, 2019

via email at: cfairbairn@reviewboard.ca

Catherine Fairbairn
Environmental Assessment Officer
Mackenzie Valley Environmental Impact Review Board
200 Scotia Centre
Box 938, 5102-50th Ave
Yellowknife, NT X1A 2N7

Dear Catherine Fairbairn:

RE: EA 1819-01 – Diavik Diamond Mines Incorporated – Processed Kimberlite to Mine Working Environmental Assessment.

Environment and Climate Change Canada (ECCC) is pleased to provide its closing arguments to the Mackenzie Valley Environmental Impact Review Board (MVEIRB) for the Diavik Diamond Mines Incorporated (DDMI) – Processed Kimberlite to Mine Workings Environmental Assessment (EA 1819-01).

To date, ECCC has participated in all phases of the Environmental Assessment (EA) in order to provide specialized advice, information and knowledge to the MVEIRB. ECCC's specialist advice is provided based on our mandate pursuant to the *Canadian Environmental Protection Act*, the pollution prevention provisions of the *Fisheries Act*, the *Migratory Birds Convention Act*, and the *Species at Risk Act*.

ECCC submitted 7 Information Requests (IR's) on June 20, 2019 (Public registry item #111), requesting clarification, and providing recommendations on the following issues:

1. Revised ecological thresholds for the measurement of Zinc
2. Monitoring during the filling of pits
3. The use of A21 pit for Processed Kimberlite (PK) deposition
4. Additional source material for modelling predictions
5. Clarification on data uncertainty surrounding PK consolidation rates
6. Updated wildlife monitoring plans
7. Updated spill contingency plans.



The following submission contains a summary of the recommendations provided by ECCC during the IR phase of the EA, and a summary of how DDMI addressed each recommendation.

Information Request #1. Revised ecological thresholds for the measurement of Zinc

ECCC's Recommendation:

ECCC recommends that the Proponent use the updated benchmark of 7 ug/L dissolved in analysis of potential impacts to water quality from the project.

DDMI committed to addressing this issue as recommended during a meeting with ECCC on July 12, 2019 (Public registry item #94). ECCC considers this issue resolved.

Information Request #2. Monitoring during the filling of the pits.

ECCC's Recommendation:

ECCC recommends the Proponent provide a discussion on the specifics of how the water quality will be determined to be stable enough before dike breach. This should include a description of the series of events and sampling that would be required prior to dike breach.

DDMI addressed this issue in its July 4, 2019 response to IR's (Public registry item #100) by providing information on Surveillance Network Plan stations in the pits during filling and during the stabilization period prior to reconnection.

The summary impact statement (Public registry item #53) includes plans for stations, and outlines of action plans, however the determination of specific water quality criteria has been deferred to the water licence process once additional modelling has been completed, and site specific criteria can be established. ECCC considers this issue resolved pending the updated modelling.

Information Request #3. The use of A21 pit for Processed Kimberlite (PK) deposition

ECCC's Recommendation:

ECCC recommends that the Proponent clarify whether A21 is intended for PK deposition based on the modelling results provided. If A21 is to be used for PK deposition, mitigations specific to A21 should be provided to ensure that any potential impacts to water quality are minimized.

DDMI addressed this issue in its August 22, 2019, response to interventions (Public registry item #136). DDMI has committed to not using A21 pit for the deposition of PK. ECCC considers this issue resolved.

Information Request #4. Additional source material for modelling predictions

ECCC's Recommendations:

ECCC recommends the Proponent provide the source report for the modelling included in the Summary Impact Statement, and a discussion of the changes completed to the A418 model between Golder 2019a and Golder 2019b.

DDMI addressed this issue by supplying the source material, which was referenced but not included, to the MVEIRB after DDMI and ECCC's July 12, 2019 meeting (Public registry item #94). ECCC considers this issue resolved.

Information Request #5. Clarification on data uncertainty surrounding PK consolidation rates

ECCC Recommendations:

- 1). Explain how "fresh" PK slurry from 2009, 2012, and 2013 is representative of the fine PK that will be deposited in pit A418,
- 2). Explain how data from three samples provides sufficient data to estimate pore water quality,
- 3). Provide a discussion regarding the differences in water chemistry between Moncur and Smith, 2014 and the "fresh" PK slurry samples, including supporting rationale for the selection of PK slurry,
- 4). Explain how the data uncertainty surrounding nitrogen forms and silver will be resolved with future sampling and modelling, and
- 5). Explain how subsequent water quality modelling planned for 2019 and 2020 is sufficient to address the gaps discussed in 1,2,3,4.

DDMI has committed to addressing issues 1-4 with a University of Alberta (U of A) study that is due to be completed in December of 2019. Issue 5 is considered resolved with information included in the July 4, 2019 response to IR's (Public registry item #100). Additional information on all water quality parameters that will feed additional models is to be included in the U of A study. ECCC will be available to review this study when it is completed, and considers this issue resolved pending the review of the U of A study.

Information Request #6. Updated wildlife monitoring plans

ECCC Recommendation:

ECCC requests that a wildlife monitoring program for migratory birds be implemented during the period of infilling and stabilization of water quality to determine whether migratory birds, including waterfowl, are accessing the pit lakes and have potential for adverse health effects.

In the July 4, 2019 response to IR's (Public registry item #100), DDMI agreed with our recommendation to update the wildlife monitoring plans to include the additional monitoring during the proposed project. ECCC considers this issue resolved.

Information Request #7. Updated spill contingency plans

ECCC Recommendation:

ECCC requests that DDMI provide an updated Spill Contingency Plan and Emergency Response Plan to include migratory bird and species at risk monitoring and mitigation if a pipeline failure or destratification event occurs that may affect migratory birds and species at risk.

In the July 4, 2019 response to IR's (Public registry item #100), DDMI agreed with our recommendation to update the Spill contingency and Emergency Response plans to include the migratory bird and species at risk monitoring and mitigation in the event of a pipeline failure or destratification event. ECCC considers this issue resolved.

ECCC considers all of the issues raised in the IR phase of EA to be resolved, or in the process of being resolved based on commitments made by the proponent. The upcoming U of A study will help to establish certainty surrounding water quality parameters allowing for more accurate modelling. ECCC will continue to be engaged in the review of this proposed project and review additional information when it is provided.

Please contact Russell Wykes at (867)669-4743 or Russell.Wykes@Canada.ca should you require more information.

Sincerely,



Andrea McLandress
Regional Director PNR

cc: Georgina Williston, Head, Environmental Assessment North (NT and NU)