

GENERAL INSTRUCTIONS FOR EXCEL TEMPLATE:

1. Do not leave blank rows above or between comments.
2. Do not modify or delete the instructions or the column headings (*i.e.* the grey areas).
3. Each comment must have an associated topic and recommendation.
4. All formatting (*i.e.* bullets) 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.
6. Cutting and pasting comments from WORD documents cannot include hard returns (spaces between paragraphs).
7. If you would like to create paragraphs within a single cell, please use a proper carriage return (ALT & ENTER).

TOPIC

COMMENT

RECOMMENDATION

Be as specific as you think is appropriate; for example a section or page of the document, a recommendation #, general comment, etc.

Comments should contain all the information needed for the proponent and the Board to understand the rationale for the accompanying recommendation.

Recommendations can be for the proponent or for the Board. Recommendations should be as specific as possible, relating the issues raised in the "comment" column to an action that you believe is necessary.

	<u>TOPIC</u>	<u>COMMENT</u>	<u>RECOMMENDATION</u>
4	Draft Land Use Permit (W2013D0006), 26(1)(h), condition 30	The Agency understands that this condition is taken from the Standard Land Use Permit Conditions Template (#114). We support the inclusion of this condition but it is unclear whether this would restrict vehicle movements or blasting. It is also unclear whether this condition would adequately protect caribou habitat from road traffic and its effects (see Agency comments below). There is also no requirement to report non-compliance to the Inspector, as is the case with proposed condition 33.	The WLWB should amend this condition to read: "The Permittee shall not move any equipment (including use of motor vehicles/haul trucks) or commence any drilling or blasting when one or more caribou are within five hundred (500) metres of the particular activity or roadbed. Any non-compliance is to be reported to the Inspector within 10 days."
5	Draft Land Use Permit (W2013D0006), 26(1)(h), condition 31	The term "Lynx access road" is not defined but may be interpreted to mean the approximately 1 km spur road that would be needed to gain entry to the Lynx pipe off the current winter road. It would be more appropriate to ensure that the upgraded winter road (approximately 4 km), which will serve as a haul road, is included within the definition of "Lynx access road".	The WLWB should clarify what the term "Lynx access road" means by providing a separate definition in Part B that would include the upgrade to the north end of the winter road OR clarify the meaning within the condition such as "Lynx access road, including that portion of the winter road between Lynx pit and the Misery Road".

	<p>Draft Land Use Permit (W2013D0006), 26(1)(h), 6 condition 32</p>	<p>The Agency supports the inclusion of this condition but it is not clear when the caribou crossings would be constructed or become available for use by the animals. Presumably the crossings would be constructed and made useable during the actual road construction itself but it would be best to get the details as part of the plan.</p>	<p>The WLWB should amend this condition to read: "At least 60 days prior to road construction, the Permittee shall submit a plan for Board approval that shows the location and design of Caribou crossings, including the timing of construction and when the crossings would become useable. The plan is to be developed in conjunction with Traditional Knowledge holders."</p>
	<p>Draft Land Use Permit (W2013D0006), 26(1)(h), 7 condition 33</p>	<p>traffic. We have reviewed the company response to undertaking #2 and find it incomplete and confusing. This response deals only with "caribou protection" to eliminate the risk of injury or mortality to caribou (which is what the Fig. 1 decision flow chart is addressing), and not sensory disturbance to ensure that the Lynx road and project are not filters or semi-permeable barriers to caribou movement and migration. The latter is totally missed. We could not understand how Figure 2 in the response, the Wildlife Sighting Fishbone Diagram, works. Its complexity would not make implementation easy. For example, it appears that responses to caribou are only triggered when 10 or more animals are reported and only 500 or more caribou would trigger a road closure of the haul road (or more than 100 caribou for a light vehicle road). There are no quantitative thresholds for distance from the road, only behavioural and group size. Speed limits or changes to them are not provided. There do not appear to be any limits on volume of traffic or how vehicles will be timed or staged to minimize effects on use of habitat and crossing success. We do not see how adaptive management will be applied to vehicle traffic to protect wildlife habitat. The Agency does support the reporting of any non-compliance to the Inspector but if it is not clear what is to be complied with, enforcement will become difficult at best. The company should consolidate its current policies and practices with regard to road traffic management in a plan that should be submitted for Board approval.</p>	<p>The WLWB should amend this condition to read: "At least 60 days prior to road construction, the Permittee shall submit a plan for Board approval that provides details on road traffic controls including speed limits, traffic volumes, type of vehicles, and response thresholds for factors including number of animals, behaviour of animals, distance from the road and any other relevant considerations. Once approved, any non-compliance with the plan is to be reported to the Inspector within 10 days."</p>

	<p>Draft Land Use Permit (W2013D0006), 26(1)(h), no 8 condition included</p>	<p>The Agency in its intervention had requested a condition that would require DDEC to submit a plan for the monitoring and mitigation of dust from construction activities, road use, blasting and other activities associated with the Lynx Project. This condition was requested in relation to the protection of wildlife habitat (particularly for caribou) from dust generated by land use activities that are part of the Lynx Project. There will be approximately 4 km of new and upgraded roads, blasting for pit development and mining, construction activities, ore hauling, and other land use that will generate dust. The Agency would like to ensure that there will be adequate monitoring of dust from these land use activities and mitigation. We have been unsuccessful in securing any site specific information from the company on dust monitoring and mitigation. In response to undertaking 1, the company has provide a copy of a 2009 Air Quality Management and Monitoring Plan that it "will plan to have the next update...completed prior to commencement of construction activities at the Lynx site". While this commitment is helpful, it is not enforceable. The 2009 Plan provides few details on dust mitigation beyond generalities of road watering and dust suppressants. The Agency would like to know what dust mitigation will be applied and triggers for application, specific locations and activities will be monitored for dust, the frequency of the monitoring, what will be monitored (particle sizes, metals, etc.), how this will be reported, and most importantly, how this information will feed back into improved dust prevention and mitigation measures as they relate to the Lynx Project and habitat protection.</p>	<p>The WLWB should add a new condition to the land use permit as follows: "At least 60 days prior to construction at the Lynx site, the Permittee shall submit a plan for Board approval that provide details on dust monitoring of Lynx Project land use activities including road use, blasting and construction activities, with details on monitoring locations, frequency, variables to be monitoring, reporting and how the data generated will be used in dust prevention and mitigation. The Plan shall also contain triggers and thresholds that relate to dust mitigation and management for land use activities."</p>
	<p>Draft Water Licence W2013L2-0001, Part K Closure and Reclamation, item 2 9</p>	<p>There are no specific requirements or a timeline for the updating of the Closure and Reclamation Plan with regard to the Lynx Project. Given the concerns expressed around the lack of progress on reclamation, research and posting of financial security, the Agency believes that there should be an explicit requirement for an update to the Closure and Reclamation Plan to incorporate the Lynx Project.</p>	<p>The WLWB should amend Part K, item 2 or include a new schedule to the licence for Part K with wording such as: "The Licensee shall revise the Closure and Reclamation Plan to incorporate the Lynx Project within six months of the issuance of an amended licence that allows the Lynx Project to proceed." Alternatively, IEMA recommends that the WLWB issue an immediate directive to DDEC requiring an update the plan to include the Lynx project within six months of issuance of the Licence.</p>

10	Draft Water Licence W2013L2-0001, Part H Waste Disposal, item 13(b) Total Ammonia	We commend the WLWB staff for noticing and questioning the different dilution factors that were applied by the company in its water quality modeling for the King-Cujo system with the addition of Lynx water. Although it would have been preferable to have the explanation as part of the modeling, the company's responses to undertakings 3-5 are appreciated. An oversight by the company has now created an unusual situation where an applicant is asking for an adjustment to an EQC after the close of the public hearing. The Agency is concerned that this may create a precedent. We also question how the Nitrogen Response Plan and Response Framework might best be applied or revised in light of the Lynx Project, to better manage ammonia in wastewater.	The WLWB should consider how the company should incorporate the Lynx Project into the Nitrogen Response Plan and the Response Framework to reduce ammonia in wastewater from Lynx.
11	Draft Water Licence W2013L2-0001, Part H Waste Disposal, item 13(b) Total Arsenic	The maximum concentration for any grab sample for Total Arsenic is set at 0.019 mg/L which is more than double the maximum average concentration. We wonder whether this is typographical error and the number should read 0.017.	The Agency recommends that the grab sample EQC limit for Total Arsenic be checked.

Attachment to Comment Table (Full Text of Cells 7B and 8B)

Cell 7 B:

The Agency supports a condition in the land use permit that provides protection of wildlife habitat from disturbance caused by road traffic. We have reviewed the company response to undertaking #2 and find it incomplete and confusing.

This response deals only with “caribou protection” to eliminate the risk of injury or mortality to caribou (which is what the Fig. 1 decision flow chart is addressing), and not sensory disturbance to ensure that the Lynx road and project are not filters or semi-permeable barriers to caribou movement and migration. The latter is totally missed.

We could not understand how Figure 2 in the response, the Wildlife Sighting Fishbone Diagram, works. Its complexity would not make implementation easy. For example, it appears that responses to caribou are only triggered when 10 or more animals are reported and only 500 or more caribou would trigger a road closure of the haul road (or more than 100 caribou for a light vehicle road). There are no quantitative thresholds for distance from the road, only behavioural and group size. Speed limits or changes to them are not provided. There do not appear to be any limits on volume of traffic or how vehicles will be timed or staged to minimize effects on use of habitat and crossing success. We do not see how adaptive management will be applied to vehicle traffic to protect wildlife habitat.

The Agency does support the reporting of any non-compliance to the Inspector but if it is not clear what is to be complied with, enforcement will become difficult at best.

The company should consolidate its current policies and practices with regard to road traffic management in a plan that should be submitted for Board approval.

Cell 8B:

The Agency in its intervention had requested a condition that would require DDEC to submit a plan for the monitoring and mitigation of dust from construction activities, road use, blasting and other activities associated with the Lynx Project. This condition was requested in relation to the protection of wildlife habitat (particularly for caribou) from dust generated by land use activities that are part of the Lynx Project. There will be approximately 4 km of new and upgraded roads, blasting for pit development and mining, construction activities, ore hauling, and other land use that will generate dust.

The Agency would like to ensure that there will be adequate monitoring of dust from these land use activities and mitigation. We have been unsuccessful in securing any

site specific information from the company on dust monitoring and mitigation. In response to undertaking 1, the company has provide a copy of a 2009 Air Quality Management and Monitoring Plan that it "will plan to have the next update...completed prior to commencement of construction activities at the Lynx site". While this commitment is helpful, it is not enforceable.

The 2009 Plan provides few details on dust mitigation beyond generalities of road watering and dust suppressants. The Agency would like to know what dust mitigation will be applied and triggers for application, specific locations and activities will be monitored for dust, the frequency of the monitoring, what will be monitored (particle sizes, metals, etc.), how this will be reported, and most importantly, how this information will feed back into improved dust prevention and mitigation measures as they relate to the Lynx Project and habitat protection.