



Independent Environmental Monitoring Agency

P.O. Box 1192, Yellowknife, NT X1A 2R2 ▪ Phone (867) 669 9141 ▪ Fax (867) 669 9145
Website: www.monitoringagency.net ▪ Email: monitor1@yk.com

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Brett Wheler
Regulatory Specialist
Wek'èezhii Land and Water Board
#1-4905 48th Street
Yellowknife NT X1A 3S3

Dear Mr. Wheler

**Re: Comments on Proposed Development of the Lynx Kimberlite Pipe
(W2013D0006 and W2013L2-0001)**

The Agency has had an opportunity to review the Dominion Diamond Ekati Corp. (DDEC) water licence and land use permit applications for the Lynx Kimberlite Pipe.

In reviewing the Lynx application documents (including the Project Description), we found a distinct lack of site-specific information or data which are required to properly evaluate the application. We do not expect there are likely to be significant adverse impacts if the project is approved; however, additional information is required for the regulatory review of this application, in order to better understand the potential impacts and the effectiveness of any mitigation measures.

General Comments

The Agency found the Mackenzie Valley Environmental Impact Review Board's *Environmental Impact Assessment Guidelines* (see http://www.reviewboard.ca/upload/ref_library/MVE%20EIA%20Guidelines_1195078754.pdf) very helpful in assessing the adequacy of the information provided by DDEC. Pages 8-21 deal with Preliminary Screenings. We recommend that the proponent provide more detailed site-specific information and data in the following areas:

- Project information and design including;
 - design of the roads (connector and upgrading of the winter road portage as access such as the necessity for berms and caribou crossings);
 - predicted traffic counts (number and type of vehicles, spacing);
 - it is not clear whether other regulatory approvals (e.g. surface leases and possible amendment of the Environmental Agreement) will be sought;

- Baseline conditions including;
 - wildlife occurrences and distribution in the Lynx area that could have been compiled from incidental observations, aerial surveys, collaring programs and sampling such as the grizzly bear and wolverine hair snagging programs;
 - wildlife harvesting in the vicinity of Lynx;
 - information regarding fish species in Lynx Lake other than lake trout and lake whitefish;
- Potential project impacts including;
 - impacts to wildlife in general, and caribou in particular;
 - implications for LLCF management in the case where the LLCF may be used for processed kimberlite deposition;
 - cumulative effects on Lac de Gras water quality and aquatic life from Lynx, Misery, Diavik and the proposed Jay and Cardinal (reasonably foreseeable);
 - cumulative effects on caribou that migrate through the northeast Lac de Gras area from Lynx, Misery, Diavik and the proposed Jay and Cardinal (reasonably foreseeable);
- Environmental management and monitoring including;
 - more specific details on water management at Lynx including dewatering and pit water discharge receiving bodies;
 - no specific information on how the AEMP or the SNP may be modified such as proposed monitoring sites and variables to be monitored;
 - air quality monitoring, which is not discussed in relation to Lynx and possible effects from road use or blasting;
- Site-specific mitigation including;
 - lessons learned from adaptive management at Ekati to the specifics of the Lynx development (e.g., use of caribou crossings on the portage or connector road);
 - measures to reduce road traffic impacts (speed limits, convoy traffic, road closure criteria)
- Closure and reclamation to be undertaken, including;
 - Lynx pit (littoral zones and final reconnection with surrounding water bodies); and
 - site-specific remediation measures for roads (e.g., pushing down any berms, scarification of surface, revegetation of slopes).

DDEC has proposed monitoring as a mitigation measure several times in the application documents. Monitoring is used to measure change and the effectiveness of mitigation and is not in itself mitigation. The Agency prefers option 2 (expansion of the existing Misery waste rock pile) for the waste rock from Lynx. Detailed comments and recommendations are found in the attached Comment Table.

Preliminary Screening

While it might be reasonable to expect few details for a smaller development such as a few diamond drilling sites or a short access road, an application for a large open pit development over even a couple of years should be expected to provide much more complete information, especially if there have been a number of environmental monitoring programs in the area for many years to provide the data.

It is not clear how the WLWB can make a determination on whether there might be a significant adverse impact when so little information has been provided in the applications and project description. We have made a number of suggestions above on how DDEC can address some of these shortcomings.

We have every confidence that the WLWB will ensure a thorough and complete review of the aquatic effects and mitigation for the proposed Lynx development, based on our experience with previous Ekati water licencing processes.

We are less clear on how important matters such as wildlife and air quality will be dealt with during the land use permitting of Lynx. The WLWB should consider invoking s. 22(2)(b) of the *Mackenzie Valley Land Use Regulations* to ensure that additional information is required of DDEC to better set terms and conditions for a land use permit as they relate to wildlife habitat and dust emissions. Some of our suggestions above and in the Comment Table should prove helpful in requesting additional information and commitments from DDEC with regard to wildlife and air quality management at the proposed Lynx development.

We would be pleased to discuss these comments with your staff, DDEC and others to ensure sound environmental management at Ekati.

Sincerely,



Bill Ross
Chairperson

cc. Society Members
Stu Niven, Department of Fisheries and Oceans
Sarah Lacey-McMillan, Environment Canada