



Instrument Proposal Notice:

Proponent: De Beers Canada Inc.
De Beers Canada Inc.
250 Ferrand Drive
Suite 900
Toronto Ontario
Canada M3C 3G8

Instrument Type: Permit to take water - OWRA s. 34

EBR Registry Number: 011-9596

Ministry Reference Number: 1334-9BVLEH

Ministry: Ministry of the Environment
Date Proposal loaded to the

Registry: November 01, 2013

Keyword(s): Mining | Water

Comment Period: 45 days: submissions may be made between November 01, 2013 and December 16, 2013.

Description of Instrument:

This proposal is to combine two existing Permits To Take Water (Victor Open Pit Well Field PTTW No. 5521-8CZSNK and Pit Perimeter Well Field PTTW No. 2824-8D2HVW) issued by the Ministry of the Environment to De Beers Canada Inc. for the Victor Diamond Mine and modify some of the existing conditions.

The Ministry of the Environment is undertaking an initial screening and review of the permit renewal application and a request to combine the above mentioned permits. As part of the review, the Ministry of the Environment is posting the application for public comment on the Environmental Registry to ensure transparency and public involvement in the protection of the natural environment and to prevent, decrease or eliminate any potential for adverse environmental effects.

The stringent monitoring and reporting requirements from PTTW No. 5521-8CZSNK and the total dewatering rate of up to 150,000 m3/day from the open pit area are proposed to remain unchanged.

Amendments to existing conditions currently contained in Permit To Take Water No. 5521-8CZSNK for the Victor Open Pit Well Field have been requested by De Beers as follows:

- To issue a permit with an expiry date of the permit for a six year period to coincide with the projected life of the mine.
- Modifications to two conditions (3.5.1 and 3.5.2) that deal with the winter and non-winter flow supplementation to the Granny Creek system for the purpose of maintaining aquatic habitat. Flow measurement data obtained to date demonstrates there are no flow losses from the creek. As a result, the company suggests that lesser rates of flow supplementation may be more appropriate.

The application for the combined permit also requests the following new condition:

- Include incidental usage for water already extracted by the dewatering wells from the Pit Perimeter Well Field Permit No. 2824-8D2HVW for various incidental purposes such as dust suppression and construction of winter roads, in addition to other industrial purposes (e.g. drill rig cooling). There would be no increase in the amount of water taken. The application predicts the amount of the water taking will be reduced.

Details of the proposed combined water taking and extension of the combined permit are described as follows:

Contact:

All comments on this proposal must be directed to:

Northern Region
Permit To Take Water Coordinator
Ministry of the Environment
Operations Division
Northern Regional Office
435 James Street South
Floor 3
Suite 331
Thunder Bay Ontario
P7E 6S7
Phone: (807) 475-1734
Toll Free Phone: (800) 875-7772

To submit a comment online, click the submit button below:

[Submit Comment](#)

Location(s) Related to this Instrument:

Victor Diamond Mine, 90 km West of Attawapiskat, District of Kenora

Attawapiskat

Additional Information:

The following government offices have additional information regarding this Proposal. To arrange a viewing

Source name: Victor Open pit well field/Pit Perimeter Well Field
Purpose: dewatering - pit
Maximum rate per minute (Litres): 105,000
Maximum number of hours of taking per day: 24
Maximum volume per day (Litres): 150,000,000
Typical volume per day (Litres): 100,000,000
Maximum number of days of taking in a year: 365
Earliest calendar date of taking (mm/dd): 01/01
Latest calendar date of taking (mm/dd): 12/31
Duration: 6 years

The ministry's review of the application will ensure conditions continue to be in place to protect the natural environment according to all legal and regulatory requirements.

Other Information:

The current Permits to Take Water for the De Beers Victor Diamond Mine Open Pit Well Field and the Pit Perimeter Well Field were issued on October 3, 2008 and January 12, 2011 respectively. The Victor Open Pit Well Field permit expires on March 31, 2014 and the Pit Perimeter Well Field permit expires on December 20, 2013. De Beers Canada Inc. would like to amalgamate the Pit Perimeter Well Field permit with the Victor Open Pit Well Field permit and extend the term of the combined permit.

The ministry posted the Victor Open Pit Well Field permit application on the Environmental Registry for 45 days in 2008. Comments received focused on the potential impact to the muskeg/peat due to dewatering rates and possible releases of naturally accumulated mercury from the drying muskeg. The comments were considered and addressed with stringent and extensive monitoring and reporting conditions in the permit.

The ministry posted the Pit Perimeter Well Field application on the Environmental Registry for 30 days in 2010; no comments were received.

The applicant requests that the proposed combined PTTW be issued for a six (6) year period to coincide with the projected life of the mine.

Public Consultation:

This proposal has been posted for a 45 day public review and comment period starting November 01, 2013. If you have any questions, or would like to submit your comments, please do so by December 16, 2013 to the individual listed under "Contact". Additionally, you may submit your comments on-line.

All comments received prior to December 16, 2013 will be considered as part of the decision-making process by the Ministry of the Environment if they are submitted in writing or electronically using the form provided in this notice and reference EBR Registry number 011-9596.

Please Note: All comments and submissions received will become part of the public record. You will not receive a formal response to your comment, however, relevant comments received as part of the public participation process for this proposal will be considered by the decision maker for this proposal.

Other Public Consultation Opportunities:

Meetings with the Attawapiskat First Nation Chief, Council and Community were offered and will continue to be offered to ensure an opportunity to hear local concerns and feedback related to this permit application.

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of these documents please call the Ministry Contact or the Office listed below.

Kenora Area Office
808 Robertson Street
Kenora Ontario
P9N 1X9
Phone: (807) 468-2718
Toll Free Phone: (888) 367-7622

Thunder Bay District Office
435 James Street South
Floor 3
Suite 331B
Thunder Bay Ontario
P7E 6S7
Phone: (807) 475-1205

The documents linked below are provided for the purposes of enhancing public consultation.
All links will open in a new window

1. [Application as submitted](#)

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Instrument Decision Notice:

Proponent: De Beers Canada Inc.

De Beers Canada Inc.
250 Ferrand Drive
Suite 900
Toronto Ontario
Canada M3C 3G8

Instrument Type: Permit to Take Water - OWRA s. 34

EBR Registry Number: 011-9596

Ministry Reference Number: 1334-9BVLEH

Ministry:

Ministry of the Environment and Climate Change

Date Proposal loaded to the Registry:

June 12, 2015

Date Decision loaded to the Registry:

November 26, 2015

This decision notice was originally posted on the Environmental Registry on November 26, 2015. It was updated December 1, 2015 to include a hyper-link to a PDF replica of the Permit to Take Water.

Pour obtenir la version française de l'avis, [cliquez ici](#)

Keyword(s): Mining | Water

Decision on Instrument:

The Ministry has decided to renew and combine the De Beers Canada Inc. Permit to Take Water for five years, with a requirement to continue their monitoring program. The Ministry will use this monitoring information to confirm that the Permit Holder continues to follow the requirements of their Permit to Take Water, and that water takings occur without causing any unacceptable impacts to the environment or other water users.

Comment(s) Received on the Proposal: 10

Public Consultation on the proposal for this decision was provided for 30 Days, from June 12, 2015 to July 12, 2015.

As a result of public consultation on the proposal, the Ministry received a total of 10 comments: 1 comments were received in writing and 9 were received online.

Additionally, a copy of all comments are available for public viewing by contacting the Contact person listed in this notice.

A selection of these comments are available:

[View All Comments](#)

Effect(s) of Consultation on this Decision:

Extensive consultation efforts were undertaken by the Ministry as a result of this

Contact:

Northern Region
Permit To Take Water Coordinator
Ministry of the Environment and Climate Change
Operations Division
Northern Regional Office
435 James Street South
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Phone: (807) 475-1734
Toll Free Phone: (800) 875-7772

Location(s) Related to this Instrument:

Victor Diamond Mine, 90 km West of Attawapiskat, District of Kenora

Attawapiskat

Additional Information:

application.

This includes communication with the Attawapiskat First Nation, meetings with community council and elders, discussions with NGOs, and extended Environmental Registry comment periods.

Notification letters related to the applications were also provided to area communities, and the Ministry continues to engage with First Nations in the area of the undertaking.

The De Beers renewal applications for both PTTW's (Victor Open Pit Well Field PTTW No. 5521-8CZSNK and Pit Perimeter Well Field PTTW No. 2824-8D2HVW) were previously posted on the Environmental Registry on November 2013 and March 2014 for public notice and information.

In total, nine comments were received from the postings, indicating concerns for: potential increases in mercury levels in the area due to dewatering; chloride concentrations in the discharge water; the development of sinkholes and drying of ponds and muskeg and; the reduction of flows in area waterways from the dewatering.

These comments were **addressed through conditions in the permit**. Conditions ensure the project site will continue to be monitored, and concerns identified through the monitoring programs can be addressed through a Ministry standard abatement process. More specifically, conditions included in the permit which address concerns raised in the EBR posting include:

- **Section 2.2 which deals with Other Approvals and more specifically, the ECA that covers the treatment of discharge water**
- Section 3.6 which deals with Flow Supplementation
- Section 4 which deals with all monitoring requirements

As part of the ministry's commitment to minimizing the potential for environmental impacts at the site, MOECC asks that De Beers submit annual reports for groundwater, hydrology of the nearby creeks, ground subsidence and **mercury monitoring**.

De Beers Canada Inc. requested to renew their permit with no changes to water taking rates, volumes, source of water, purpose, and location. The water taking is an existing taking which has undergone prior evaluation and review by the Ministry during both the initial Federal Environmental Assessment and permit approvals. The Permit Holder was required to submit additional studies, thereby requiring the Permit to Take Water renewal application to be classified as a Category 3 taking.

De Beers Canada Inc. has held a variety of Permits to Take Water for the Victor Mine, since 1987. The water for this permit renewal will be used for dewatering of the mine and well drilling. **The company holds an Environmental Compliance Approval (amended No. 3960-7Q4K2G) for discharge water at the mine site.**

The Ministry requires the company to conduct an extensive monitoring program, and submit the monitoring information collected to MOECC.

The Ministry has decided to renew and combine the De Beers Canada Inc. Permit to Take Water for five years, **with a requirement to continue their monitoring program**. The Ministry will use this monitoring information to confirm that the Permit Holder continues to follow the requirements of their Permit to Take Water, and that water takings occur without causing any unacceptable impacts to the environment or other water users.

The Ministry recognizes the value of public involvement in the process of managing water takings at the local level, and strives to increase local awareness of permit activities. Persons and groups in the community who have a strong interest in such matters can provide first-hand knowledge and understanding of their local area, as well as raise their concerns regarding environmental legislation and program policies for the Ministry to consider.

The following government offices have additional information regarding this Decision. To arrange a viewing of these documents please call the Ministry Contact or the Office listed below.

Kenora Area Office
808 Robertson Street
Kenora Ontario
P9N 1X9
Phone: (807) 468-2718
Toll Free Phone: (888) 367-7622

Thunder Bay District Office
435 James Street South
Floor 3
Suite 331B
Thunder Bay Ontario
P7E 6S7
Phone: (807) 475-1205

The documents linked below are provided for the purposes of enhancing public consultation. All links will open in a new window

1. [Version française de l'avis-proposition](#)
2. [Version française de l'avis-décision](#)
3. [Permit to Take Water](#)

The Ministry's regional offices have additional information regarding proposals that are posted on the Environmental Registry. This includes supplemental descriptions on the purpose and methods of water taking, as well as additional technical documentation. The provision of further information on proposals posted on the Environmental Registry, or viewing of the documents, can be arranged by contacting the Ministry.

The duration of a permit issued by the Ministry is based on the water taking's known or predicted level of risk to the environment. Factors considered by the Ministry include:

- the type and purpose of the taking;
- watershed conditions;
- the sensitivity of the environmental setting; and
- other factors, such as the requirement for periodic scientific evaluations of submitted environmental data in order to demonstrate that the water taking is sustainable and/or not having an adverse environmental impact.

With regards to ensuring compliance with provincial water legislation, the Ministry manages its approach to compliance and enforcement through education and outreach, inspections, site visits, response to incidents, voluntary abatement, orders, tickets and prosecutions. Where the ministry becomes aware of a situation of suspected non-compliance, there are Provincial Officers located in communities throughout the province that are able to appropriately respond to ensure compliance and provide enforcement under the Ontario Water Resources Act.

Leave to Appeal Provisions:

Any resident of Ontario may seek leave to appeal this decision, by serving written Notice, within 15 days of November 26, 2015 upon all of the following:

Appellate Body:

Secretary
Environmental Review Tribunal
655 Bay Street
Floor 15
Toronto
M5G 1E5
Phone: (416) 212-6349
Fax: (416) 326-5370
Toll Free Phone: (866) 448-2248

Environmental Commissioner of Ontario:

Environmental Commissioner of Ontario
1075 Bay Street
Suite 605
Toronto Ontario
M5S 2B1
Phone: (416) 325-3377
Toll Free Phone: (800) 701-6454

Issuing Authority:

Carrie Hutchison
Supervisor
Thunder Bay District Office
435 James Street South
Floor 3
Suite 331B
Thunder Bay Ontario

P7E 6S7
Phone: (807) 475-1720

Proponent:

De Beers Canada Inc.
De Beers Canada Inc.
250 Ferrand Drive
Suite 900
Toronto Ontario
Canada M3C 3G8

The Notice must be signed and dated and include all of the following information:

1. The EBR Registry Number, the Ministry Reference Number, the Proponent's name and address to whom the instrument was issued and the location of Activity. (All available from this Registry posting)
2. A copy of any comments that were submitted on the original proposal, if comments were not submitted, an explanation of your interest in seeking leave to appeal the decision is required.
3. A description of the grounds for the application for leave to appeal including information that demonstrates that:
 - (a) there is a good reason to believe that no reasonable person, having regard to the relevant law and any government policies developed to guide decisions of that kind, could have made the decision; and
 - (b) the decision in respect of which an appeal is sought could result in significant harm to the environment.
4. The portion of the instrument or each term or condition in the instrument in respect of which the leave to appeal is applied for.
5. The grounds on which you intend to reply at the hearing, in the event that the leave to appeal is granted, in relation to each portion that you are seeking leave to appeal.

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