



May 06, 2025

Mason Mantla
Chair
Wek'èezhii Land and Water Board
#1, 4905 – 48th Street
Yellowknife, NT
X1A 3S3

Dear Mr. Mantla:

RE: W2017D0004: Misery Underground Project – Application to Renew Land Use Permit

Burgundy Diamond Mines Ltd. (Burgundy), the sole owner of Arctic Canadian Diamond Company Ltd. (Arctic) is applying for the renewal of Land Use Permit (LUP) W2017D0004 with the attached Land Use Permit application package (the Application). The Misery Underground (MUG) Development at Ekati Diamond Mine is located below the Misery open pit development which is approximately 30 km from the main facilities at the Ekati mine (Attachment A). LUP W2017D0004 is currently set to expire on July 11, 2025. Burgundy is requesting an exemption from preliminary screening because the project has not been modified. This LUP entitles Burgundy to conduct the following land-use operations at Misery Underground:

- a) extraction and storage of waste rock and ore from the Misery Development;
- b) installation, operation, and maintenance of power lines and associated infrastructure as described in the application submitted August 15, 2017;
- c) operation, and maintenance of the Misery haul road and associated infrastructure;
- d) construction, use, and maintenance of supporting infrastructure at the Misery Development;
- e) use and expansion of the Misery camp;
- f) construction and maintenance of site facilities;
- g) construction and maintenance of a temporary ore stockpile;
- h) use of machinery and equipment to support construction and operations of the Misery pit;
- i) storage of fuel; and
- j) use of explosives.

The current LUP has been active since July 12, 2018, and was extended for two years on July 06, 2023. Misery Underground is currently in production and mining is ongoing. Construction of site facilities, site roads, lay-down areas, and the Misery Haul Road have all been completed. This application is for the continuation of the currently permitted activities. Note that all correspondence related to this LUP can be found on the WLWB public registry for file W2017D0004¹.

¹ [Arctic Canadian Diamond Company Ltd. - W2017D0004 | Wek'èezhii Land and Water Board](#)



Additionally, Burgundy is requesting amendments to Condition 37 to remove the requirement for haz-mats/drip trays and to revise the requirement for the immediate repair of leaky equipment. Condition 37 currently states that:

“All equipment that may be parked for two hours or more, shall have a haz-mat/drip tray under it or be sufficiently diapered. Leaky equipment shall be repaired immediately”

The requirement to use drip trays or diaper heavy equipment, such as rock trucks and bulldozers, when parked for two hours or more presents significant operational challenges. Implementing this measure requires considerable time and effort from operators and maintenance personnel, and the windy conditions in the north often render spill trays ineffective. When spills are identified, Burgundy takes prompt action through swift cleanup, effective containment, thorough reporting, and proper disposal at approved facilities. These measures effectively mitigate the environmental risks associated with equipment.

Condition 37 also requires that leaky equipment be repaired immediately. While Burgundy strives to address leaks as quickly as possible, there are situations where immediate repairs are not feasible, such as when parts must be sourced offsite. To address this, Burgundy proposes revising the repair timeline in Condition 37 to align with standard maintenance cycles.

These requirements have been discussed with the Inspector on multiple occasions. During the public review of the Sable Underground LUP application in 2024, the Inspector noted that the environmental risks mitigated by requiring drip trays are already sufficiently addressed through the cleanup and maintenance requirements outlined in the LUP (Conditions 10 and 38).

Burgundy ensures that all equipment is regularly maintained and kept in optimal operating condition, not only to ensure operational efficiency but also to prevent costly repairs and mitigate the risk of spills. Routine inspections are conducted to verify that equipment is leak-free and functioning correctly. For example, daily protocols and checklists are in place for inspecting light vehicles before their first use. We believe these proactive mitigations and management practices are sufficient to address the environmental risks associated with leaky equipment. We are fully committed to complying with all LUP conditions and believe these proposed amendments will help address the operational challenges outlined above.

The activities required to continue the MUG Project have undergone prior assessment and have been successfully carried out in compliance with regulatory requirements at the Ekati Mine. Engagements related to this application have been conducted, and the Pre-Application Engagement Summary and Record are provided in Attachment B.

Burgundy trusts that the information provided meets the requirements for this renewal application. If you have any questions or concerns, please contact the undersigned at 403.613.8417 or Sheila.Chernys@burgundydiamonds.com



Sincerely,

Sheila Chernys

Head of Health, Safety, Environment, Communities and Training
Burgundy Diamond Mines Ltd.
900 – 606 4 Street SW, Calgary, Alberta T2P 1T1

Attachments:

- A: Maps of Ekati Diamond Mine and Misery Site
- B: Pre-Application Engagement Summary and Record
- C: Certificate of Compliance of an Extra-Territorial Corporation
- Application Form



Attachment A: Maps of Ekati Diamond Mine and Misery Site

Figure 1: Ekati Diamond Mine

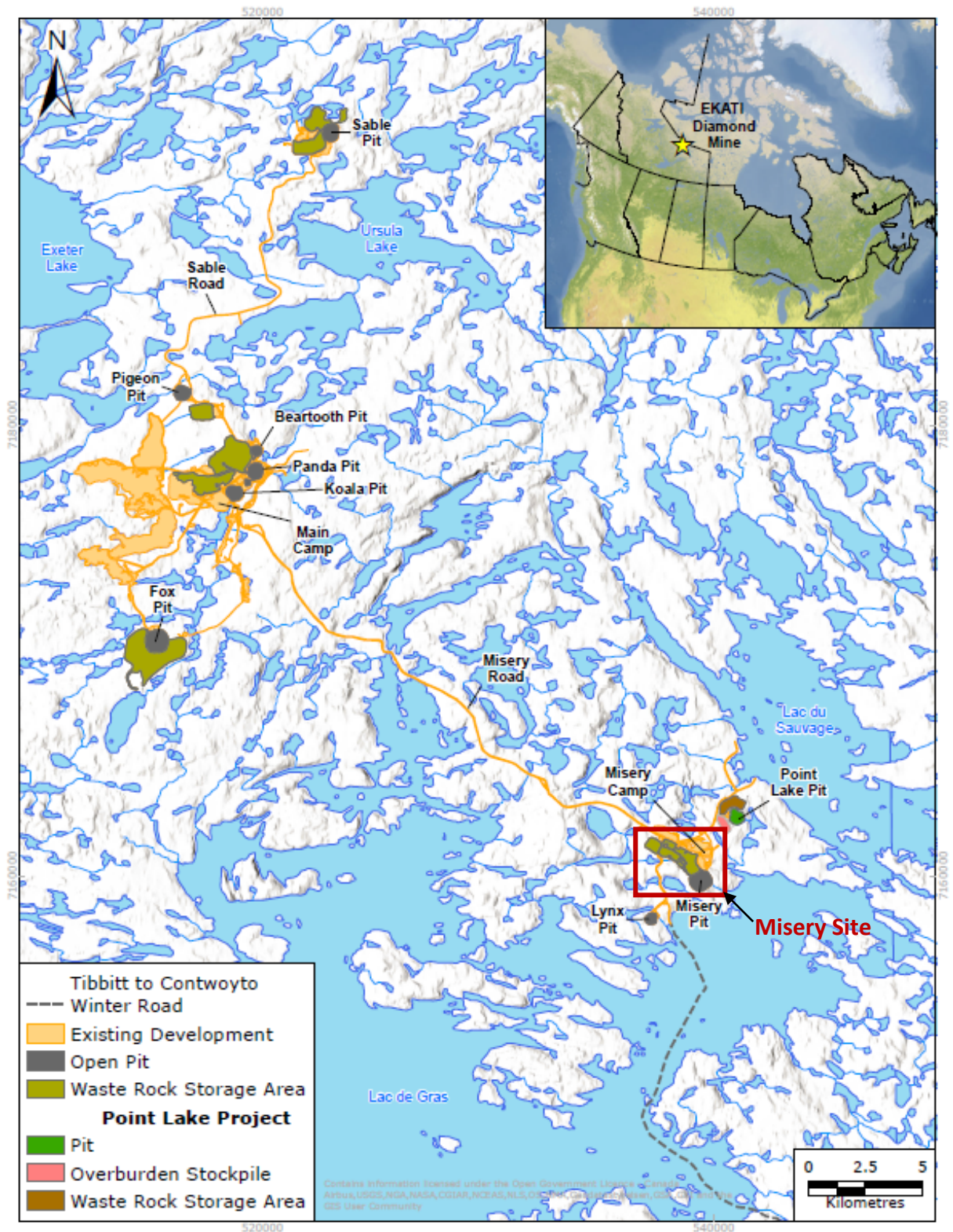
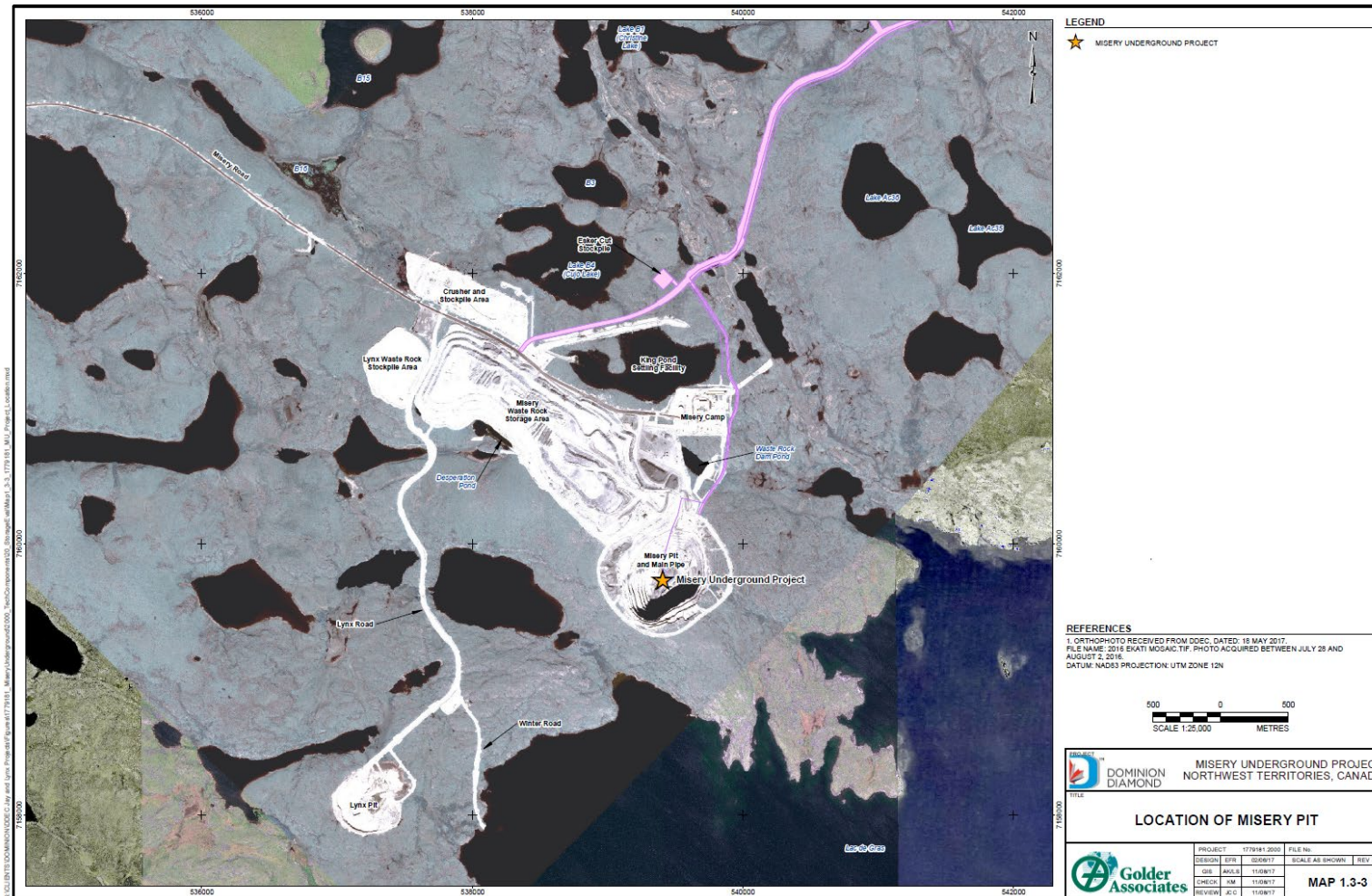




Figure 2: Misery Site





Attachment B: Pre-Application Engagement Summary and Record

Misery Underground LUP Renewal Pre-Application Engagement Summary

Tlicho Government:

On April 15, 2025, a Pre-Application Engagement letter was sent to the Tlicho Government outlining Burgundy Diamonds intention to file a Land Use Permit (LUP) Renewal for Misery Underground. The Letter explained that the renewal application would be for a 5-year term and would replace LUP W2017D0004 and that Burgundy Diamonds would be applying for a preliminary screening exemption because the project had not been modified. The letter went on to outline the activities that were currently permitted for Misery Underground. Burgundy Diamonds asked the Tlicho Government to inform Burgundy Diamonds if they had any questions about the upcoming application.

On April 15, 2025, the Tlicho Government confirmed that they had received the pre-application letter and that there were no concerns at this time. Mr. Ekwe stated that the Tlicho Government would participate in the public review once the application is posted on the Online Review System.

Kitikmeot Inuit Association:

On April 15, 2025, a Pre-Application Engagement letter was sent to the Kitikmeot Inuit Association outlining Burgundy Diamonds intention to file a Land Use Permit (LUP) Renewal for Misery Underground. The Letter explained that the renewal application would be for a 5-year term and would replace LUP W2017D0004 and that Burgundy Diamonds would be applying for a preliminary screening exemption because the project had not been modified. The letter went on to outline the activities that were currently permitted for Misery Underground. Burgundy Diamonds asked the Kitikmeot Inuit Association to inform Burgundy Diamonds if they had any questions about the upcoming application.

On April 17, 2025, the Kitikmeot Inuit Association confirmed that they had received the pre-application letter. They stated that due to limited capacity they would not be heavily involved in the regulatory process for this application but that they would be monitoring developments as the process moves forward.

Hamlet of Kugluktuk

On April 15, 2025, a Pre-Application Engagement letter was sent to the Hamlet of Kugluktuk outlining Burgundy Diamonds intention to file a Land Use Permit (LUP) Renewal for Misery Underground. The Letter explained that the renewal application would be for a 5-year term and would replace LUP W2017D0004 and that Burgundy Diamonds would be applying for a preliminary screening exemption because the project had not been modified. The letter went on to outline the activities that were currently permitted for Misery Underground. Burgundy Diamonds asked the Hamlet of Kugluktuk to inform Burgundy Diamonds if they had any questions about the upcoming application.



On May 1, 2025, Burgundy Diamonds received an email from the Hamlet confirming that the pre-application letter had been received. No additional questions or issues were raised at this time.

Deninu Kue First Nation:

On April 15, 2025, a Pre-Application Engagement letter was sent to the Deninu Kue First Nation outlining Burgundy Diamonds intention to file a Land Use Permit (LUP) Renewal for Misery Underground. The Letter explained that the renewal application would be for a 5-year term and would replace LUP W2017D0004 and that Burgundy Diamonds would be applying for a preliminary screening exemption because the project had not been modified. The letter went on to outline the activities that were currently permitted for Misery Underground. Burgundy Diamonds asked the Deninu Kue First Nation to inform Burgundy Diamonds if they had any questions about the upcoming application.

On April 17, 2025, Burgundy Diamonds received an email confirming that the pre-application letter had been received. No additional questions or issues were raised at this time.

Fort Resolution Metis Government:

On April 15, 2025, a Pre-Application Engagement letter was sent to Fort Resolution Metis Government outlining Burgundy Diamonds intention to file a Land Use Permit (LUP) Renewal for Misery Underground. The Letter explained that the renewal application would be for a 5-year term and would replace LUP W2017D0004 and that Burgundy Diamonds would be applying for a preliminary screening exemption because the project had not been modified. The letter went on to outline the activities that were currently permitted for Misery Underground. Burgundy Diamonds asked the Fort Resolution Metis Government to inform Burgundy Diamonds if they had any questions about the upcoming application.

On April 22, 2025, Burgundy Diamonds received an email confirming that the FRMG had received the pre-application engagement letter and that they look forward to receiving the full application package once it is available. Summer engagement opportunities were also discussed.

Yellowknives Dene First Nation

On April 15, 2025, a Pre-Application Engagement letter was sent to the Yellowknives Dene First Nation outlining Burgundy Diamonds intention to file a Land Use Permit (LUP) Renewal for Misery Underground. The Letter explained that the renewal application would be for a 5-year term and would replace LUP W2017D0004 and that Burgundy Diamonds would be applying for a preliminary screening exemption because the project had not been modified. The letter went on to outline the activities that were currently permitted for Misery Underground. Burgundy Diamonds asked the Yellowknives Dene First Nation to inform Burgundy Diamonds if they had any questions about the upcoming application.



Follow-up emails and phone calls were made to confirm that the pre-application letter had been received but no response has been received at this time.

Lutsel K'e Dene First Nation:

On April 15, 2025, a Pre-Application Engagement letter was sent to the Lutsel K'e Dene First Nation outlining Burgundy Diamonds intention to file a Land Use Permit (LUP) Renewal for Misery Underground. The Letter explained that the renewal application would be for a 5-year term and would replace LUP W2017D0004 and that Burgundy Diamonds would be applying for a preliminary screening exemption because the project had not been modified. The letter went on to outline the activities that were currently permitted for Misery Underground. Burgundy Diamonds asked the Lutsel K'e Dene First Nation to inform Burgundy Diamonds if they had any questions about the upcoming application.

On May 1, 2025, Burgundy Diamonds received an email confirming that the LKDFN have received the pre-application engagement letter. There was also a request for an update on upcoming summer engagement. Burgundy is currently planning a LKDFN leadership visit to the Ekati Mine and a public meeting in Lutsel K'e for the summer/fall of 2025.

North Slave Metis Alliance:

On April 15, 2025, a Pre-Application Engagement letter was sent to the North Slave Metis Alliance outlining Burgundy Diamonds intention to file a Land Use Permit (LUP) Renewal for Misery Underground. The Letter explained that the renewal application would be for a 5-year term and would replace LUP W2017D0004 and that Burgundy Diamonds would be applying for a preliminary screening exemption because the project had not been modified. The letter went on to outline the activities that were currently permitted for Misery Underground. Burgundy Diamonds asked the North Slave Metis Alliance to inform Burgundy Diamonds if they had any questions about the upcoming application.

On April 30, 2025, Burgundy Diamonds received an email confirming that the pre-application letter had been received. The NSMA will review the application and follow up as needed.

Independent Environmental Monitoring Agency:

On April 15, 2025, a Pre-Application Engagement letter was sent to the Independent Environmental Monitoring Agency outlining Burgundy Diamonds intention to file a Land Use Permit (LUP) Renewal for Misery Underground. The Letter explained that the renewal application would be for a 5-year term and would replace LUP W2017D0004 and that Burgundy Diamonds would be applying for a preliminary screening exemption because the project had not been modified. The letter went on to outline the activities that were currently permitted for Misery Underground. Burgundy Diamonds asked the Independent Environmental Monitoring Agency to inform Burgundy Diamonds if they had any questions about the upcoming application.



On April 16, 2025, the Independent Monitoring Agency confirmed that they had received the pre-application letter.

Government of the Northwest Territories – Department of Lands and Environment and Natural Resources:

On April 15, 2025, a Pre-Application Engagement letter was sent to the Department of Lands and Environment and Natural Resources outlining Burgundy Diamonds intention to file a Land Use Permit (LUP) Renewal for Misery Underground. The Letter explained that the renewal application would be for a 5-year term and would replace LUP W2017D0004 and that Burgundy Diamonds would be applying for a preliminary screening exemption because the project had not been modified. The letter went on to outline the activities that were currently permitted for Misery Underground. Burgundy Diamonds asked the Department of Lands and Environment and Natural Resources to inform Burgundy Diamonds if they had any questions about the upcoming application.

On April 30, 2025, Burgundy Diamonds Received an email confirming that the pre-application letter had been received. No additional questions or issues were raised at this time.

Wek’èezhìi Renewable Resource Board:

On April 15, 2025, a Pre-Application Engagement letter was sent to the Wek’èezhìi Renewable Resource Board outlining Burgundy Diamonds intention to file a Land Use Permit (LUP) Renewal for Misery Underground. The Letter explained that the renewal application would be for a 5-year term and would replace LUP W2017D0004 and that Burgundy Diamonds would be applying for a preliminary screening exemption because the project had not been modified. The letter went on to outline the activities that were currently permitted for Misery Underground. Burgundy Diamonds asked the Wek’èezhìi Renewable Resource Board to inform Burgundy Diamonds if they had any questions about the upcoming application.

On April 15, 2025, Burgundy Diamonds received an email confirming that the pre-application letter had been received. The Wek’èezhìi Renewable Resource Board stated that they would participate through the WLWB process and that their staff would be in touch if they had any questions.

Environment and Climate Change Canada:

On April 15, 2025, a Pre-Application Engagement letter was sent to Environment and Climate Change Canada outlining Burgundy Diamonds intention to file a Land Use Permit (LUP) Renewal for Misery Underground. The Letter explained that the renewal application would be for a 5-year term and would replace LUP W2017D0004 and that Burgundy Diamonds would be applying for a preliminary screening exemption because the project had not been modified. The letter went on to outline the activities that were currently permitted for Misery Underground. Burgundy Diamonds asked Environment and Climate Change Canada to inform Burgundy Diamonds if they had any questions about the upcoming application.



On April 24, 2025, Burgundy Diamonds received an email confirming that ECCC had received the pre- application letter.

The Government of the Northwest Territories – Prince of Wales Northern Heritage Centre:

On April 15, 2025, a Pre-Application Engagement letter was sent to the Prince of Wales Northern Heritage Centre outlining Burgundy Diamonds intention to file a Land Use Permit (LUP) Renewal for Misery Underground. The Letter explained that the renewal application would be for a 5-year term and would replace LUP W2017D0004 and that Burgundy Diamonds would be applying for a preliminary screening exemption because the project had not been modified. The letter went on to outline the activities that were currently permitted for Misery Underground. Burgundy Diamonds asked the Prince of Wales Northern Heritage Centre to inform Burgundy Diamonds if they had any questions about the upcoming application.

On April 15, 2025, Burgundy Diamonds received an email confirming that the Prince of Wales Northern Heritage Centre had received the pre-application letter. They stated that they would be in touch if they had any questions.

Department of Fisheries and Oceans:

On April 15, 2025, a Pre-Application Engagement letter was sent to the Department of Fisheries and Oceans outlining Burgundy Diamonds intention to file a Land Use Permit (LUP) Renewal for Misery Underground. The Letter explained that the renewal application would be for a 5-year term and would replace LUP W2017D0004 and that Burgundy Diamonds would be applying for a preliminary screening exemption because the project had not been modified. The letter went on to outline the activities that were currently permitted for Misery Underground. Burgundy Diamonds asked the Department of Fisheries and Oceans to inform Burgundy Diamonds if they had any questions about the upcoming application.

On April 15, 2025, Burgundy Diamonds received an email confirming that the DFO has received the pre-application engagement letter and that it would be reviewed in the next couple of days. DFO stated if they had any questions they would follow up.



Misery Underground LUP Renewal Pre-Application Engagement Record

Date	Interested Party	Interested Party Participants	Arctic Canadian Participants	Method/ Location	Objective/Purpose	Summary of Issues Raised by Interested Party
Tuesday, April 15, 2025	TiCHO Government	Violet Camsell-Blondin Michal Birlea Longinus Ekwe	Nick Ballantyne	Email/Letter	Sent letter to notify of Burgundy Diamond Mines intention to file an application for Land Use Permit Renewal for the Misery Underground Project. The letter outlined the upcoming application and asked if the parties had any questions about the application.	n/a
Tuesday, April 15, 2025	Kitikmeot Inuit Association (KIA)	Katrina Hatogina, Wynter Kuliktana	Nick Ballantyne	Email/Letter	Sent letter to notify of Burgundy Diamond Mines intention to file an application for Land Use Permit Renewal for the Misery Underground Project. The letter outlined the upcoming application and asked if the parties had any questions about the application.	n/a
Tuesday, April 15, 2025	Hamlet of Kugluktuk	Kevin Niptanatiak	Nick Ballantyne	Email/Letter	Sent letter to notify of Burgundy Diamond Mines intention to file an application for Land Use Permit Renewal for the Misery Underground Project. The letter outlined the upcoming application and asked if the parties had any questions about the application.	n/a
Tuesday, April 15, 2025	North Slave Metis Alliance (NSMA)	Noah Johnson, Alan Alex	Nick Ballantyne	Email/Letter	Sent letter to notify of Burgundy Diamond Mines intention to file an application for Land Use Permit Renewal for the Misery Underground Project. The letter outlined the upcoming application and asked if the parties had any questions about the application.	n/a
Tuesday, April 15, 2025	Deninu Kue First Nation (DKFN)	Sam O'Reilly	Nick Ballantyne	Email/Letter	Sent letter to notify of Burgundy Diamond Mines intention to file an application for Land Use Permit Renewal for the Misery Underground Project. The letter outlined the upcoming application and asked if the parties had any questions about the application.	n/a
Tuesday, April 15, 2025	Fort Resolution Metis Government (FRMG)	Shawn McKay	Nick Ballantyne	Email/Letter	Sent letter to notify of Burgundy Diamond Mines intention to file an application for Land Use Permit Renewal for the Misery Underground Project. The letter outlined the upcoming application and asked if the parties had any questions about the application.	n/a
Tuesday, April 15, 2025	Yellowknives Dene First Nation (YKDFN)	Ryan Miller, Johanne Black	Nick Ballantyne	Email/Letter	Sent letter to notify of Burgundy Diamond Mines intention to file an application for Land Use Permit Renewal for the Misery Underground Project. The letter outlined the upcoming application and asked if the parties had any questions about the application.	n/a
Tuesday, April 15, 2025	Lutsel Ke Dene First Nation (LKDFN)	Stephanie Poole Tas-Tsi Catholique Mike Tollis	Nick Ballantyne	Email/Letter	Sent letter to notify of Burgundy Diamond Mines intention to file an application for Land Use Permit Renewal for the Misery Underground Project. The letter outlined the upcoming application and asked if the parties had any questions about the application.	n/a
Tuesday, April 15, 2025	Wek'èezhii Renewable Resource Board (WRRB)	Jody Pellissey	Nick Ballantyne	Email/Letter	Sent letter to notify of Burgundy Diamond Mines intention to file an application for Land Use Permit Renewal for the Misery Underground Project. The letter outlined the upcoming application and asked if the parties had any questions about the application.	n/a



Tuesday, April 15, 2025	Environment and Climate Change Canada	Jennifer Sabourin	Nick Ballantyne	Email/Letter	Sent letter to notify of Burgundy Diamond Mines intention to file an application for Land Use Permit Renewal for the Misery Underground Project. The letter outlined the upcoming application and asked if the parties had any questions about the application.	n/a
Tuesday, April 15, 2025	Government of The Northwest Territories - Prince of Wales Northern Heritage Centre	Glen Mackay Naomi Smethurst	Nick Ballantyne	Email/Letter	Sent letter to notify of Burgundy Diamond Mines intention to file an application for Land Use Permit Renewal for the Misery Underground Project. The letter outlined the upcoming application and asked if the parties had any questions about the application.	n/a
Tuesday, April 15, 2025	Government of The Northwest Territories - Department of Lands and Environment and Natural Resources	James Hodson	Nick Ballantyne	Email	Sent letter to notify of Burgundy Diamond Mines intention to file an application for Land Use Permit Renewal for the Misery Underground Project. The letter outlined the upcoming application and asked if the parties had any questions about the application.	n/a
Tuesday, April 15, 2025	Department of Fisheries and Oceans (DFO)	Nicholas Wasilik	Nick Ballantyne	Email	Sent letter to notify of Burgundy Diamond Mines intention to file an application for Land Use Permit Renewal for the Misery Underground Project. The letter outlined the upcoming application and asked if the parties had any questions about the application.	n/a
Tuesday, April 15, 2025	Independent Environmental Monitoring Agency (IEMA)	Jamie Mistry, Marc Casas	Nick Ballantyne	Email	Sent letter to notify of Burgundy Diamond Mines intention to file an application for Land Use Permit Renewal for the Misery Underground Project. The letter outlined the upcoming application and asked if the parties had any questions about the application.	n/a
Tuesday, April 15, 2025	Wek'èezhii Renewable Resource Board (WRRB)	Jody Pellissey	Nick Ballantyne	Email	Received email confirming that the WRRB had received the pre-application letter and that the WRRB would participate through the WLWB process. Ms. Pellissey said staff will be in contact if they have any questions.	No issues raised at this time.
Tuesday, April 15, 2025	Department of Fisheries and Oceans (DFO)	Nicholas Wasilik	Nick Ballantyne	Email	Received email confirming that the DFO has received the pre-application engagement letter and that it would be reviewed in the next couple of day. Mr. Wasilik said if there were any questions DFO would follow up.	No issues raised at this time.
Tuesday, April 15, 2025	Government of Northwest Territories - Prince of Wales Northern Heritage Center	Glen Mackay	Nick Ballantyne	Email	Received email confirming that the pre-application letter had been received. Mr. Mackay stated that they would let Burgundy know if they had any questions.	No issues raised at this time.
Wednesday, April 16, 2025	Independent Environmental Monitoring Agency (IEMA)	Jamie Mistry	Nick Ballantyne	Email	Received email confirming that the pre-application letter had been received.	No issues raised at this time.
Wednesday, April 16, 2025	Tlcho Government (TG)	Longinus Ekwe	Nick Ballantyne	Email	Received email confirming that the Tlcho Government had received the pre-application engagement letter and that there were no concerns at this time. Mr. Ekwe stated that the TG would participate in the public review once the application is posted on the Onine Review System.	No issues raised at this time.
Thursday, April 17, 2025	Deninu Kue First Nation (DKFN)	Sam O'Reilly	Nick Ballantyne	Email	Received email confirming that the DKFN had received the pre-application letter.	No issues raised at this time.



Thursday, April 17, 2025	Kitikmeot Inuit Association (KIA)	Wynter Kuliktana	Nick Ballantyne	Email	Received email confirming that the pre-application letter had been received.	No issues raised at this time.
Tuesday, April 22, 2025	Fort Resolution Metis Government (FRMG)	Shawn McKay	Nick Ballantyne	Email	Received email confirming that the FRMG had received the pre-application engagement letter and that they look forward to receiving the full application package once it is available. Summer engagement opportunities were also discussed.	No issues raised at this time.
Thursday, April 24, 2025	Environment and Climate Change Canada	Jennifer Sabourin	Nick Ballantyne	Email	Received email confirming that the pre-application letter had been received.	No issues raised at this time.
Wednesday, April 30, 2025	Government of the Northwest Territories - Department of Lands and Environment and Natural Resources	James Hodson	Nick Ballantyne	Email	Received email confirming that the letter had been received and that the department of lands/ENR has no comments or questions at this time.	No issues raised at this time.
Wednesday, April 30, 2025	North Slave Metis Alliance (NSMA)	Alan Alex	Nick Ballantyne	Email	Received email confirming that the pre-application letter had been received. NSMA will review the application and follow up as needed.	No issues raised at this time.
Wednesday, April 30, 2025	Yellowknives Dene First Nation (YKDFN)	Ryan Miller	Nick Ballantyne	Email	Sent follow up email requesting confirmation that the pre-application letter had been received.	n/a
Wednesday, April 30, 2025	Lutsel K'e Dene First Nation (LKDFN)	Tas-Tsi Catholique	Nick Ballantyne	Email	Sent follow up email requesting confirmation that the pre-application letter had been received.	n/a
Wednesday, April 30, 2025	Hamlet of Kugluktuk	Kevin Niptanatiak	Nick Ballantyne	Email	Sent follow up email requesting confirmation that the pre-application letter had been received.	n/a
Thursday, May 1, 2025	Lutsel K'e Dene First Nation (LKDFN)	Tas-Tsi Catholique	Nick Ballantyne	Email	Received email asking for an update on upcoming engagement. Responded stating that a leadership visit and public meeting in Lutsel K'e are being scheduled for the summer of 2025.	No issues raised at this time.
Thursday, May 1, 2025	Hamlet of Kugluktuk	Mayor Ryan Nivingalok	Nick Ballantyne	Email	Received email confirming that the letter had been received by the Hamlet of Kugluktuk.	No issues raised at this time.
Friday, May 2, 2025	Yellowknives Dene First Nation (YKDFN)	Ryan Miller, Johanne Black	Nick Ballantyne	Call	Called and left message asking for confirmation that the pre-application letter had been received.	n/a
Tuesday, May 6, 2025	Yellowknives Dene First Nation (YKDFN)	Ryan Miller, Johanne Black	Nick Ballantyne	Call	Called and left message asking for confirmation that the pre-application letter had been received.	n/a



BURGUNDY
DIAMOND MINES

ASX: BDM
www.burgundy-diamonds.com

Attachment C: Certificate of Compliance of an Extra-Territorial Corporation



Government of Northwest Territories / Gouvernement des Territoires du Nord-Ouest

BUSINESS CORPORATIONS ACT
**CERTIFICATE OF COMPLIANCE
OF AN
EXTRA-TERRITORIAL
CORPORATION**

LOI SUR LES SOCIÉTÉS ACTIONS
**CERTIFICAT DE
CONFORMITÉ D'UNE
SOCIÉTÉ
PAR ACTIONS
EXTRATERRITORIALE**

I HEREBY CERTIFY THAT

JE CERTIFIE PAR LA PRÉSENTE QUE

ARCTIC CANADIAN DIAMOND COMPANY LTD.

a body corporate incorporated
under the laws of

une personne morale constituée
En vertu des lois

BRITISH COLUMBIA

registered under Part XXI of the
Business Corporations Act of the Northwest
Territories, has filed with the Registrar of
Corporations, the required annual returns
and is, with respect to the filing of annual
returns, in good standing on the records of
the Registrar.

enregistrée en vertu de la partie XXI de la
Loi sur les sociétés par actions
des Territoires du Nord-Ouest,
a déposé auprès du registraire des sociétés
par actions le rapport annuel exigé et rencontre
les exigences du registraire relatives au dépôt
des rapports annuels.



Dated 2025-05-01
Fait le

REGISTRAR OF CORPORATIONS
REGISTRAIRE DES SOCIÉTÉS PAR ACTIONS

----- TRANSACTION RECORD -----
GNWT-JUSTICE LEG REG/LAND
5009 - 49TH STREET
YELLOWKNIFE NT

Purchase

May 01, 2025 11:02:12
VISA *****5285

Entry: Manual (M)
Ref#: 321-0SVLDZO5BMX6LJA
Auth#: 369220 Response: 01 027
Order: MGO1746068530478
: 614020
Username: 09

Amount \$ 20.00

Approved

Important. Retain this copy for your
record



Land and Water Boards of the Mackenzie Valley



LAND USE PERMIT APPLICATION FORM

Subsection 19(2) and Schedule 2 of the [Mackenzie Valley Land Use Regulations](#)

Use an "X" to indicate which Board the Application is being made to:	Mackenzie Valley Land and Water Board:		Sahtu Land and Water Board:	
	Wek'èezhìi Land and Water Board:	X	Gwich'in Land and Water Board:	

To complete this Form, please refer to the LWB [Guide to the Land Use Permitting Process](#) (Guide) and fill in the grey fields; attach additional pages, as necessary. Indicate N/A in the grey fields for Items or parts of Items that are not applicable. An application package checklist is provided in the Guide. Review the following LWB guidance for formatting your Application Package:

- [Document Submission Standards](#)
- [Standard Outline for Management Plans](#)

If applicable, provide the existing or current Land Use Permit file number:	W2017D0004		
Use an "X" to indicate if this Application is accompanied by an Application for a Water Licence:	Water Licence – in a non-federal area:		
	Water Licence – in a federal area:		

1. NAME AND CONTACT INFORMATION – APPLICANT

Project Name:	Misery Underground		
Applicant's Name:	Sheila Chernys		
Position:	Head of Health, Safety, Environment, Communities & Training		
Company Name:	Burgundy Diamond Mines Ltd.		
Mailing Address:	900 - 606 4 th Street SW		
Community:	Calgary	Telephone:	(403)-613-8417
Prov/Terr:	AB	Email:	sheila.chernys@burgundydiamonds.com
Postal Code:	T2P 1T1	Other:	

2. NAME AND CONTACT INFORMATION – APPLICANT’S HEAD OFFICE

Include a Certificate of Corporate Registration from the Government of the Northwest Territories in your Application Package.

Use an “X” to indicate this information is the same as Item 1 above:			X
Name:			
Position:			
Company Name:			
Mailing Address:			
Community:			
Prov/Terr:		Telephone:	
Postal Code:		Email:	
Field Supervisor:		Other:	

3. NAME AND CONTACT INFORMATION – CONTRACTORS AND SUB-CONTRACTORS

Include relevant names, responsibilities, and contact information. An additional table should be added for each contractor and sub-contractor.

Name:			
Position:			
Company Name:			
Mailing Address:			
Community:		Telephone:	
Prov/Terr:		Email:	
Postal Code:		Other:	

X	Use an “X” to indicate that contractor and/or subcontractor information is not available at this time.
----------	--

4. LOCATION OF ACTIVITIES

Use the grey fields below to provide or reference the following information:

Traditional Place Name:

Maps and Geographic Information System (GIS) Data: Include a map in your Application Package identifying local geographic features, watercourses and water sources, project structures, and location(s) of any proposed waste deposits. Provide geographic coordinates (latitude and longitude) of project features, and the maximum and minimum project boundary in degrees, minutes, seconds, or decimal degrees. Include GIS data in your Application Package, if applicable. Refer to the LWB [Geospatial Data Submission Standards](#) for providing geographic information.

Minimum latitude:	64° 33’ 19.2” N	Maximum latitude:	64° 34’ 56.0” N
Minimum longitude:	110° 13’ 29.1” W	Maximum longitude:	110° 9’ 20.0” W

NTS Map Sheet No.: Provide the map sheet number:

GIS Data: Use an “X” to indicate if GIS data is attached. Attached: Not Available:

Please refer to the original LUP application package for the GIS Data

Land Types: Use an “X” to indicate the type(s) of the land on which the activities are proposed:

Free Hold/ Private:		Commissioner’s/ Territorial Lands:	X	Federal Land:		Municipal Land:	
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5. ELIGIBILITY

Refer to section 18 of the [Mackenzie Valley Land Use Regulations](#). Use an “X” to indicate which one applies:

18(a)(i):	X	18(a)(ii):		18(a)(iii):		18(b):	
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6. RIGHTS AND/OR CONTRACTS TO SUPPORT ELIGIBILITY

Contact Indigenous, federal, and territorial governments, and other parties to ensure all appropriate rights, authorizations, permissions, dispositions, and contracts have been obtained or are in the process of being obtained (e.g., mineral exploration rights, quarry permits, licences of occupation, leases, access agreements and authorizations, etc.). List and provide confirmation of other authorizations that relate to the proposed activities; reference these in your Application Package (e.g., rights, permits, licences, etc.).

- The MUG Project is located within the existing claim block held by Arctic Canadian Diamond Company Ltd.
- Class “A” Water Licence W2022L2-0001
- Misery Facilities Surface lease 76D/9-4-2
- Mining and Road Surface lease 76D/9-3-2
- Current Land Use Permit W2017D0004 (expiring on July 11, 2025)
- Ekati Mine Engagement Plan

7. PERMIT TYPE AND CRITERIA

Refer to sections 4 and 5 of the [Mackenzie Valley Land Use Regulations](#). Use an “X” to indicate which permitting criteria apply:

Type A				Type B				Type C	
4(a)(i):	X	4(b)(i):		5(a)(i):		5(b)(i):		(SLWB and WLWB only):	
4(a)(ii):	X	4(b)(ii):		5(a)(ii):		5(b)(ii):			
4(a)(iii):	X	4(b)(iii):		5(a)(iii):					
4(a)(iv):	X	4(b)(iv):		5(a)(iv):					
4(a)(v):	X			5(a)(v):					
				5(a)(vi):					

8. PROJECT DESCRIPTION

Include a project description in your Application Package, or for small-scale projects, describe the proposed activities in the grey field provided below. For each and all proposed water uses, include the name and type (e.g., lake, river) of water source(s), and the purpose and quantity of water to be used (rates, volumes (m³/day)).

Burgundy is requesting a renewal of the existing Land Use Permit for the Misery Underground Project. The full project description was submitted as part of the [original LUP application](#) for the Misery Underground Project, specifically in Section 5. Additionally, a detailed project description can be found in [Appendix A](#), Section 4.0 of the same application.

Indicate the total number of hectares to be used in each phase of the project, as well as through the life of the project.

The project falls within the existing boundaries of Permit W2017D0004. No changes to the permit boundaries are being requested, as the project does not require additional land disturbance.

9. CAMP

Describe the proposed camp size and layout. Indicate the number of person-days; explain, with rationale, any variations in the number of people that may be on site over the life of the project.

Misery Underground makes use of existing buildings and infrastructure at the Misery Camp site, including current accommodations, ERT facilities, and laydown areas, and has augmented previous infrastructure by increasing the capacity of the housing and office facilities, adding a dedicated underground dry facility and warehouse, and erecting a temporary service facility to maintain all underground equipment and act as warm storage for the duration of the project. The expansion of the housing facilities is completed and increased the number of accommodations from 115 to 187.

10. ROADS AND ACCESSES

Provide detailed information about the construction, location, and decommissioning of any roads and accesses.

Use an "X" to indicate if this is to be a pioneered road or access:	Yes		Use an "X" to indicate if the route has been laid out or ground-truthed:	Yes	X
	No	X		No	

No new roads are required for this renewal application. The existing Misery Haul Road between Ekati main camp and Misery camp site is used to access the Misery Underground Project.

11. PROPOSED WASTE MANAGEMENT METHODS

Use the grey fields below to provide or reference the following information:

Waste Management Plan: Include a Waste Management Plan in your Application Package, if applicable, or for small-scale projects, describe the proposed waste management activities in the grey fields provided below. A template for the Plan can be found in the LWB [Guidelines for Developing a Waste Management Plan](#).

Waste Type	Management Method(s)
Garbage:	<p>Inert wastes will be returned to the existing landfill site for disposal. Organic waste will be either incinerated or composted at the Incinerator/Composter facility. Hazardous wastes such as oily rags, used oil & other Hydrocarbons, batteries, etc. will be returned to the Waste Management Building for further processing, disposal and/or recycling. Waste will be managed per the approved Waste Management Plans 8.1, which includes the Incinerator Management Plan, Hazardous Waste Management Plan, Landfill Management Plan, and Hydrocarbon Impacted Materials Management Plan.</p> <p>On April 20, 2025, Version 9.0 of the Waste Management Plans was submitted for the Board’s approval, to fulfill the annual review requirement of Water Licence W2022L2-0001. The submission also included administrative updates to the</p>

	Hydrocarbon Impacted Materials Management Plan and the Solid Waste Landfill Management Plan.
Sewage (Sanitary and greywater):	Sewage will be collected and transported to Main Camp for treatment. Sewage at Ekati is treated using an activated sludge system with the effluent pumped to an approved containment facility. See the approved Wastewater and Processed Kimberlite Management Plan 10.1 for complete details.
Brush and trees:	Not applicable
Overburden (Organic soils, waste material, etc.):	Not applicable. All overburden has been removed and stored in the approved Misery WRSA per the original application.
Other (describe):	Waste rock from the Project will be stored in the previously permitted Misery WRSA and managed per the approved Waste Rock and Ore Management Plan 13.0 .

Off-site Disposal: If waste is proposed to be disposed of off-site within the NWT, written confirmation (e.g., an email, letter, etc.) from the facility/facilities indicating they will accept the waste is required. Include it/these in your Application Package. Please note this information will be required by the Board prior to commencement of activities.

12. EQUIPMENT

Identify the types of equipment proposed to be used.

There is no new equipment requirement for this application. The equipment permitted in Section 10 of the original application will be used for the continuation of this Project. Please refer to Attachment A for the equipment details.

Number	Type/Description	Size (weight in tonnes)	Proposed use

13. FUEL

Identify all fuel types proposed to be used.

There is no new fuel storage requirement for this application. Fuel facilities have already been permitted and registered at the Misery site and are included in the approved Spill Contingency Plan.

Type of Fuel	Number of containers	Capacity of containers (e.g., litres, pounds)	Type of container (e.g., barrel, tank, tidy-tank)	Proposed storage or staging location(s)
Diesel:				
Gasoline:				
Aviation Fuel:				
Propane:				
Other: (describe)				

14. METHODS OF FUEL TRANSFER

Describe the proposed methods to transfer fuel.

Fuel storage, dispensing, and offloading activities are covered under the Ekati mine Spill Contingency Plan. The Spill Contingency Plan was developed to establish and document practices for responsible management of controlled substance spills and focuses on spill prevention and spill response. This renewal application does not require any increase or procedural modification to current fuel storage, handling and spill contingency plans.

15. SPILL CONTINGENCY PLAN

Include a Spill Contingency Plan in your Application Package, if applicable, or for small-scale projects, provide relevant details in the grey field provided below. An example of this Plan can be found in the INAC [Guidelines for Spill Contingency Planning](#).

Spills will be managed in accordance with the approved Spill Contingency Plan. The current approved version of the Spill Contingency Plan V15.1 can be found on the WLWB registry: [Ekati - Spill Contingency Plan - Version 15.1 - Jul 8 22.pdf](#)

16. PROPOSED PROJECT SCHEDULE AND TERM

Indicate the proposed project start and completion dates and the time of year the project activities are planned to occur. Describe any anticipated temporary closure(s) or seasonal shutdowns. Indicate the term requested.

Start Date:	July 12, 2025	Completion Date:	July 11, 2030
Burgundy Diamond Mines is requesting a renewal of existing LUP W2017D0004 for a term of 5 years to continue current production activities.			
Term of Permit Requested:	5 years		

17. POTENTIAL ENVIRONMENTAL IMPACTS OF THE PROJECT AND PROPOSED MITIGATIONS

If the proposed project, or parts of the proposed project, may be exempt from preliminary screening, describe the rationale for the exemption in the grey field below. Include the date of the most recent screening, and/or the environmental assessment or impact review number.

The Project utilizes existing infrastructure at the Ekati mine, which has already been screened or assessed. It is exempt from preliminary screening as no changes are proposed to the activities currently permitted under LUP W2017D0004.

Potential impacts and proposed mitigations of the Misery Underground Project are described in Section 6.0, [Appendix A](#) of the [original LUP application](#).

Under section 124(1) of the Mackenzie Valley Resource Management Act (MVRMA), the Board conducted a preliminary screening of the potential effects of the Misery Underground Project in 2017. This screening included the potential physical, chemical and biological effects including interacting environments. The Board decided that:

- *“there is no reasonable likelihood that the proposed development might have a significant adverse impact on the environment; and*
- *there is no reasonable likelihood that the proposed development might be a cause of public concern.”*

Full details of the screening report and the Board’s decision can be found through the registry: [letterhead master](#)

Unless the project could be exempt from preliminary screening, using the Impact-Mitigation Table below, or the more detailed Table in Appendix D of the [Guide](#), identify all potential impacts and possible mitigations that are relevant to the proposed project, and indicate whether any of the mitigation measures have been developed as a result of input from affected parties. Possible potential impacts are listed below; however, these lists are not exhaustive and may not apply to all projects. All information provided should reflect the size, scale, and nature of the proposed project. Cumulative impacts and climate change must be considered. Attach additional pages if needed. Use landscape orientation if preferred.

Potential Impacts <i>Use an "X" to indicate which apply</i>	Potential Project Impacts and Proposed Mitigations <i>Describe the potential impact(s) and the proposed measure(s) to reduce each of these impacts.</i>
ABIOTIC COMPONENTS	
Land	
Soil contamination	
Soil compaction	
Destabilization/erosion	
Change in soil structure	
Inability to support vegetation	
Other	
Water	
Groundwater	
Water table alteration	
Infiltration changes	
Changes in water quality	
Temperature changes	
Other	
Permafrost	
Loss or change in extent	
Changes in seasonal fluctuations	
Change in persistence	
Other	
Surface Water	
Water flow or level changes (permanent, temporary, seasonal)	
Drainage pattern changes	
Temperature changes	
Changes in water quality	
Wetland impairment	
Changes to aquatic habitat (see Biotic section below)	
Other	
Air	
Changes in air quality	
Harm to living things	
Increased greenhouse gases	
Other	
BIOTIC COMPONENTS	

Potential Impacts <i>Use an "X" to indicate which apply</i>	X	Potential Project Impacts and Proposed Mitigations <i>Describe the potential impact(s) and the proposed measure(s) to reduce each of these impacts.</i>
Vegetation		
Direct loss of vegetation		
Loss of Species at Risk or may-be-at-risk plants		
Change in species composition		
Introduction of non-native (invasive) species		
Effects on plant health (dust, metals, toxins)		
Increased risk of fire		
Compaction of vegetation		
Other		
Terrestrial Wildlife Habitat		
Direct loss or removal of habitat, dens, or nests		
Loss or removal of keystone species and/or Species at Risk habitat		
Fragmentation of wildlife corridor		
Direct injury or mortality		
Disturbances to key lifecycle stages: breeding, feeding, nesting, staging		
Effects on population abundance		
Change in species diversity		
Effects on wildlife health (toxins, metals, etc.)		
Changes to migratory movement patterns		
Changes to predator-prey relationships		
Human-wildlife conflicts		
Other		
Aquatic Habitat		
Breeding disturbances		
Change in species diversity		
Effects on health (toxins, metals, sediment, etc.)		
Changes to migratory movement patterns		
Changes to predator-prey relationships		
Effects on population abundance		
Change in species diversity		
Other		
CULTURAL COMPONENTS		
Wildlife Harvesting		
Loss or reduction in game species populations		
Effects on traditional land use, subsistence, and harvesting rights		
Other		
Cultural Integrity and Heritage Resources		
Change to or loss of cultural integrity		
Change to or loss of traditional lifestyle		
Change to or loss of heritage resource		

Potential Impacts <i>Use an "X" to indicate which apply</i>	X	Potential Project Impacts and Proposed Mitigations <i>Describe the potential impact(s) and the proposed measure(s) to reduce each of these impacts.</i>
Other		
Social and Economic Well-being		
Increased human health hazard and risk		
Economic opportunities or losses (employment, training)		
Change in ecological, cultural, social, or economic values identified for protection in approved Land Use Plans		
Impairment of the recreational or traditional uses of the land or water		
Impairment of the aesthetic quality of the land or water		
Changes to the use of the area by other non-Indigenous people (e.g., trappers, outfitters, residents, hunters, forest harvesters, other authorized projects)		
Other		

18. CLOSURE AND RECLAMATION

Use the grey field below to provide or reference the following information:

Closure and Reclamation Plan: Include a Closure and Reclamation Plan in the Application Package, if applicable, or for small-scale projects, describe the proposed closure and reclamation activities in the grey field provided below. Describe any temporary closure(s) and seasonal shutdowns. Please also refer to the LWB/AANDC [Guidelines for the Closure and Reclamation of Advanced Mineral Exploration and Mine Sites in the Northwest Territories](#).

Closure Cost Estimate: Prepare a Closure Cost Estimate and include it in your Application Package. Applicants are encouraged to contact Board staff, prior to applying, to determine which closure-cost-estimate template is most suited to the activities being applied for. Guidance is provided in section 2.2 of the LWB/GNWT/CIRNAC [Guidelines for Closure and Reclamation Cost Estimates for Mines](#). If the Application is submitted concurrently with a Water Licence Application, the estimate should include a breakdown of water- and land-related activities and liabilities.

No changes are being requested to the approved ICRP or Closure Cost Estimate with this application.

19. ADDITIONAL SUPPORTING INFORMATION

Use the grey field below to provide or reference the following information:

Engagement: Conduct engagement, prepare an Engagement Record and Engagement Plan in accordance with the LWB [Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits](#), and include them in your Application Package. Templates are provided in the Guidelines. Please also refer to [Information for Proponents on MVLWB's Engagement Requirements](#).

Land Use Plans: Contact the applicable Land Use Planning Board or the Tłı̨chǫ Government for assistance in interpreting the requirements of the relevant land use plan(s). Include a Land Use Plan Conformity Table, or

if applicable, written confirmation of conformity from the Tłı̨chǫ Government, in your Application Package, demonstrating how the project meets the requirements of the Land Use Plan, if applicable.

Traditional Knowledge (TK): Provision of TK is mandatory for applications to the SLWB. Other applicants are strongly encouraged to include TK.

Studies Undertaken to Date: List any relevant studies that support the proposed activities and include them in your Application Package.

Please see the attached Engagement Log and Engagement Summary in the application cover letter. The Engagement Plan 5.1 is publicly available on the Board’s registry: [Ekati - Engagement Plan - Version 5.1 - Oct 5 23.pdf](#)

No changes are being proposed to the activities permitted under the existing LUP W2017D0004.

20. FEES

Refer to the Guide for assistance in determining relevant fees.


Type of Fee	Amount (\$)
Application fee (if applicable):	\$150
Land-use fees (for federal areas only):	\$
Total Fees:	\$150

If fees are submitted separately, indicate how and when they will be delivered to the Board’s office.

The fees will be paid via cheque by May 16th, 2025.

21. SIGNATURE

Sheila Chernys	Head of Health, Safety, Environment, Communities & Training
Applicant’s Name (print) or Company Name	Position (print)

	May 6, 2025
Signature	Date

Review the application package checklist provided in the Guide, and submit completed applications to the Regulatory Manager or Executive Director identified on the “Contact Us” pages of the respective Land and Water Board (www.mvlwb.com, www.wlwb.ca, www.slwb.com, www.glwb.com).

Attachment A: Equipment List

Number	Type and Size	Proposed Use
SURFACE		
1	988 Loader	Hauling Mined Material – Pit to Surface
2	777 Haul Truck	Hauling Mined Material – Pit to Surface
3	Crew Cab Pick-up Truck	Construction Support
1	F550 Service Truck	Surface maintenance
1	F350 Fuel Truck	Surface fuel
1	Boom Truck	Surface Maintenance
1	Skidsteer	Surface material handling
1	Tire Manipulator	Surface Maintenance
UNDERGROUND		
9	CAT AD30 Haul Trucks	Hauling waste and ore rock
2	CAT AD45 Haul Trucks	Hauling waste and ore rock
1	CAT AD45 Water Truck	Water management
3	MacLean Bolters	Development Mining Ground Support
3	Atlas Copco M2 Jumbo	Development Mining Drill Rigs
3	Sandvik Longhole Drills	Production and Service hole drilling
1	MacLean Blockhole Drill	Utility Drill
5	CAT R1700	LHD Scoop tram
1	CAT R1700	Rammer Jammer
1	CAT R1600	LHD Scoop tram
2	Telehandlers	Services and Utilities
5	Getman A64 Carriers	UG Services
1	Getman Fuel Truck	UG Fuel Management
1	Getman Boom Truck	UG Services
2	CAT 420E Hoe	UG Services
1	CAT 120M Grader	UG Services
6	Minecat UT99D	Personnel Carrier
2	Toyota Mancarrier	Personnel Carrier
3	Kubota X1100	Personnel Carrier

*Note: This list of equipment is generally what will be used for the MUG Project but is subject to variations depending on the contractor(s) selected.