



Fisheries and Oceans
Canada

Pêches et Océans
Canada

Eastern Arctic Area
P.O. Box 358
Iqaluit, NU X0A 0H0

Secteur de l'Arctique de l'est
Boîte postale 358
Iqaluit, NU X0A 0H0

September 22, 2004

Your file *Votre référence*
NWB1JER

Our file *Notre référence*
NU-00-0068

Ms. Phyllis Beaulieu
Manager of Licensing
Nunavut Water Board
P.O. Box 119
Gjoa Haven, NU X0B 1J0

Via electronic mail to:
licensing@nwb.nunavut.ca

Dear Ms. Beaulieu:

Subject: Comments regarding the Conformity Analysis of Tahera Corporation Limited's Water license Application for the Jericho Diamond Project

Fisheries and Oceans Canada (DFO) would like to thank the Nunavut Water Board (NWB) for providing an opportunity to participate in the review of the Application for conformity with the NWB Guidelines issued August 3, 2004.

Although it appears the majority of the Guidelines have been conformed with, DFO feels there are several items where information has not been submitted or the quoted section was misidentified. The following items are listed, with a brief description of what portion of the item is felt to be missing:

4.1 (a) (ii) 2.a and 4.1(a)(ii) 2.b:

- Geothermal and geotechnical issues along diversion channel

4.1 (b) (iv) 1.a:

- Permafrost characterization not complete

4.1 (d) (i):

- Watercourse crossing for the pipeline at stream C1 not included, nor is the stream C2 road crossing

4.1 (e) (iii) 2:

- Winter road water withdrawal – timing, duration, impacts to drainage, mitigation, monitoring and thresholds not identified.

4.1 (f) (iii) 1.a:

- treatment and disposal options not presented

4.1 (g) (iii):

- section 2.7 and 3.4 did not discuss alternatives

4.1 (i) (iv) 1.a:

- doesn't appear the concentration of ammonia and metals were calculated, nor were the degradation rates and the length of time that water quality is expected to be an issue

4.1 (i) (iv) 2:

- Appendix A does not address the issue

4.2 (a) (ii) 2:

- doesn't appear that dissolved oxygen is being measured, specifically during the winter months

4.2 (a) (ii) 4:

- doesn't appear that climatic and meteorological data is proposed to be collected

4.2 (b) (ii):

- appears to be more a description of general design criteria as opposed to risk assessment

4.3 (b) (i) 6.(d):

- limitations of treatment options not assess
- cost/benefit associated with other environmental components not considered

4.3 (b) (i) 8:

- mitigation for all affected areas not provided

4.3(b)(i) 10, 4.3(b)(i)13, 4.3(b)(i)14:

- no mitigation identified

We would like to note that although the decision-making authority for the No Net Loss plan (NNLP) rests with DFO, there may be certain aspects of the plan that may be of interest to the mandates of other parties, such as fish habitat enhancements like the creation of underwater shoals. As such, we would encourage interested parties to bring any concerns forward to DFO during the NWB process. It is felt that the other elements included under the NNLP, such as the C1 diversion, water intake and Processed Kimberlite Containment (PKCA) and discharge in Stream C3, can be concurrently reviewed through the NWB Hearing process by DFO.

Although Tahera has brought forward the spray irrigation option as a feasible treatment alternative for the PKCA discharge water, we would like to note that the Nunavut Impact Review Board Project Certificate recommended that this option be assessed by NIRB should it be determined necessary. As such, we recommend that the Spray Irrigation option not be included in the NWB Hearings.

DFO feels the above noted aspects can be addressed during the Technical sessions and Public hearings and looks forward to participating in the Public Hearings. If you have any questions concerning the above, or if my understanding of the proposal is either incorrect, incomplete, or if there are changes to the proposed works or undertakings, please contact me directly by telephone at (867) 979-8011 or by fax at (867) 979-8039.

Yours sincerely,

Original signed by:

Derrick Moggy
Habitat Management Biologist
Fisheries and Oceans Canada – Eastern Arctic Area

copy Dionne Filiatrault – Nunavut Water Board
 Philippe di Pizzo – Nunavut Water Board