



Environment Environnement  
Canada Canada

Environmental Protection Branch  
Qimugjuk Building 969 P.O. Box 1870  
Iqaluit, NU X0A 0H0  
Tel: (867) 975-4639  
Fax: (867) 975-4645

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Our file: 4702 025

Stephanie Briscoe  
Executive Director  
Nunavut Impact Review Board  
P.O. Box 2379  
Cambridge Bay, NU  
Tel: (867) 983-4603  
Fax: (867) 983-2594

*Via Email at [sbriscoe@nirb.nunavut.ca](mailto:sbriscoe@nirb.nunavut.ca)*

Dear Ms. Briscoe:

**RE: Jericho Diamond Mine – Wildlife Mitigation and Monitoring Plan**

Environment Canada (EC) is in receipt of the “Jericho Diamond Mine – Wildlife Mitigation and Monitoring Plan” dated March 4, 2005, as required under the Nunavut Impact Review Board (NIRB) Project Certificate #002 for the Jericho Diamond Mine. Environment Canada would like to thank the NIRB for the opportunity to provide input on the Jericho Diamond Mine - Wildlife Mitigation and Plan (herein referred to as the “WM&M Plan”) and offers the following comments for your consideration.

Environment Canada has also reviewed the Government of Nunavut, Department of Environment (GN-DoE) letter of response to the WM&M Plan dated March 18, 2005, where they summarized specific statements from the NIRB Environmental Impact Statement (EIS) Guidelines for the Jericho Diamond Project, as well as other relevant excerpts from the WM&M Plan. Although EC’s mandate does not cover the same wildlife species, EC generally agrees with the GN-DoE’s review of the various shortcomings of the WM&M Plan as it relates to wildlife in general, and to migratory birds and bird habitats in particular.

Overall, the WM&M Plan does not address many of the concerns or recommendations provided by EC in either the May 9, 2003 submission on the Final EIS or the November 10, 2003 submission on the Supplemental EIS for this project. In EC’s review of the Final EIS (May 9, 2003), it was made clear that the survey information and the statistical treatment of those data, were insufficient for the proponent to make the statements they were making about migratory bird impacts, habitat loss, etc. It was recommended that additional surveys, particularly at other times of year, and in a larger area (including between Carat and Jericho lakes) be conducted. Despite this guidance, the WM&M Plan has been developed, apparently without any additional data or without any acknowledgement that additional data may be needed (beyond staff wildlife logs within the footprint area). Thus, at the outset, EC views the WM&M Plan as incomplete and ineffective, as the necessary baseline data have not been gathered on which monitoring or mitigation can be developed. Specific comments relating to the WM&M Plan are outlined below. These comments are organized by document, section number and page number.



**“Jericho Diamond Mine – Wildlife Mitigation and Monitoring Plan” document, as prepared by Tahera Diamond Corporation**

*Section 3, Page 5*

The WM&M Plan refers to the wildlife baseline data collected in 1999 and 2000 as a "large amount of information". However, EC's review clearly indicates that the information collected is insufficient to base many of the statements made regarding wildlife distribution and habitat use in the area. Environment Canada recommended that surveys be completed to look at wildlife distributions and habitat use of the region at different times of year, in order to properly assess the impact to local populations, and hence the required mitigation and monitoring needs. There appears to have been no effort to address the need for additional data.

*Section 4.3, Page 8*

The WM&M Plan continues to refer to the footprint as occurring within 500 m of the project area. In the May 2003 review, EC recommended that the proponent amend their footprint area to include a buffer zone for birds to account for mine disturbances during construction and operation. This has not been acknowledged.

*Section 4.3, Page 8*

The plan refers to an “annual” survey to be completed by the “company’s environmental personnel” for nesting birds, and that bird nests would be “flagged”. There are no details on how and when this survey would be conducted (beyond vagaries about “spring 2005”), how the nests would be located, and how flagging will necessarily minimize disturbance.

*Section 5.2, Page 9 & Section 6.2, Page 10*

The WM&M Plan appears to consist of unspecified “annual surveys” and ongoing wildlife logs at the site (Section 5.2), and seasonal wildlife surveys linked to other monitoring for five years after closure (Section 6.2). There are no details on how often or under what protocols these surveys would be conducted. In fact, the WM&M Plan lacks any detail on the monitoring activities themselves, and does not provide any information with which regulatory agencies can gauge the quality or quantity of mitigation and monitoring activities, as they may be required. Hence, it is highly doubtful that the proponent can provide valid data with which to demonstrate whether impacts have or have not occurred, let alone whether impacts have or have not been mitigated.

**“Wildlife Mitigation Plan – Jericho Diamond Project” document, prepared BearWise**

*Section 5, Page 12*

The document notes that air traffic will avoid bird nests, but it is unclear how those bird nests will be identified for planes. If bird nest locations will be “flagged” as indicated in Section 4.3 of the document prepared by Tahera Diamond Corporation, how will pilots see this? There are no details on how this will be done.

*Section 6, Page 17*

The document still makes statements that the project area does not consist of any “key habitat sites”, that there are “no areas of special significance”, and that “no waterfowl staging areas [are located] within 10's of km”. This is the same information as was originally presented in the EIS from the 1999 and 2000 surveys, which EC has clearly indicated are scientifically incomplete and insufficient to make decisions regarding environmental impacts. These phrases were specifically highlighted in EC's May 9, 2003 review as inaccurate, as the data for a scientific assessment on which to base these statements is lacking.



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Overall, while the WM&M Plan serves as a useful guide for some aspects of wildlife encounters and deterrence at the project site, it fails to adequately address impact mitigation. It has addressed a few of the EC concerns (e.g. dealing with potential oil problems in ponds, wildlife/vehicle encounters), but fails to adequately address true mitigation, due in large part to the lack of data on which to assess mitigation needs.

Environment Canada strongly agrees with the review of the GN-DoE, and requests that NIRB enforce the Project Certificate requirements in the matter of the development of an acceptable Wildlife Monitoring and Mitigation Program for the Jericho Diamond Project. As it currently stands, the WM&M Plan is below the standards set by other proponents currently operating in the Canadian Arctic. The current plan would benefit from a strong scientific / biological review to address the concerns of the review agencies and provide a solid monitoring plan.

Thank you again for the opportunity to provide comments on the WM&M Plan for the Jericho Diamond Mine. Environment Canada looks forward to continuing to work with the NIRB to develop a WM&M Plan for this project that satisfies the concerns of all parties. If you have any questions or concerns with regards to the foregoing, please do not hesitate to contact Mr. Mark Mallory, Biologist with the Canadian Wildlife Service at (867) 975-4637 or by email at [mark.mallory@ec.gc.ca](mailto:mark.mallory@ec.gc.ca).

Yours truly,

***Original signed by***

Colette Spagnuolo  
Environmental Assessment / Contaminated Sites Specialist

cc: (Stephen Harbicht, Head, Assessment and Monitoring, Environment Canada, Yellowknife)  
(Mark Mallory, Biologist, Canadian Wildlife Service, Environment Canada, Iqaluit)  
(Mike Atkinson, Government of Nunavut, Department of Environment, Iqaluit)  
(Mike Setterington, Government of Nunavut, Department of Environment, Arviat)  
(Jennifer Bishop, Monitoring Officer, Nunavut Impact Review Board)