



NIRB File No: 00MN059

November 9, 2007

Greg Missal  
Vice President, Government and Regulatory Affairs  
Tahera Diamond Corporation  
Suite 1900,  
130 Adelaide Street West  
Toronto, ON M5H 3P5

Delivered via email to [missal@tahera.com](mailto:missal@tahera.com)

**Re: Jericho Diamond Mine Project Certificate NIRB [ No.: 002] – Appendix D**

Dear Mr. Missal,

It has recently come to the Nunavut Impact Review Board's (NIRB or Board) attention that Appendix D of the Jericho Diamond Mine Project Certificate [No.: 002] (Project Certificate) is creating some implementation difficulties for Tahera Diamond Corporation (Tahera) and the NIRB's monitoring officer. Accordingly, the Board has prepared a revised Appendix D – Jericho Diamond Mine Monitoring Program (enclosed). This revised Appendix D is consistent with the project monitoring framework that is now in use by the NIRB for large development projects.

The Board is of the view that the revised Appendix D does not modify the Terms and Conditions of the Project Certificate; rather it is intended to address difficulties currently being experienced by Tahera and the NIRB's monitoring officer with implementing the current Appendix D. Ultimately, the Board's goal is to streamline and clarify the requirements with respect to project monitoring.

However, should Tahera or any Party on the Jericho Distribution List have comments regarding the revised Appendix D, please forward any comments directly to the NIRB's Manager of Environmental Administration Leslie Payette at [lpayette@nirb.nunavut.ca](mailto:lpayette@nirb.nunavut.ca) or contact the NIRB's Executive Director Stephanie Autut at 867-983-4603 or [sautut@nirb.nunavut.ca](mailto:sautut@nirb.nunavut.ca) by no later than **4:00 p.m. (MST), Friday, November 16, 2007**. Following receipt of comments by Parties, it is the Board's intention to issue the final version of Appendix D.

Sincerely,



Encl: Revised Appendix D-Jericho Monitoring Program

cc: Honourable Chuck Strahl – Minister of Indian and Northern Affairs Canada  
Jericho Distribution List

## **Jericho Monitoring Program**

In accordance with the July 2004 Project Certificate (No. 002), this Appendix is to provide direction to Tahera, NIRB's Monitoring Officer, and Government regarding the Monitoring Program established pursuant to Section 12.7 of the Nunavut Land Claims Agreement.

The purpose of the Monitoring Program shall be:

- (a) To measure the relevant effects of projects on the ecosystemic and socioeconomic environments of the Nunavut Settlement Area;
- (b) To determine whether and to what extent the land or resource use in question is carried out within the predetermined terms and conditions;
- (c) To provide the information base necessary for agencies to enforce terms and conditions of land or resource use approvals; and
- (d) To assess the accuracy of predictions contained in the project impact statement.

### **Tahera responsibilities related to this Monitoring Program:**

1. Ensure that a comprehensive post-environmental assessment monitoring program (PEAMP) is developed for the project, in accordance with commitments made in the Final Environmental Impact Statement (FEIS) and/or the Final Hearing. The objective of the PEAMP shall be to:
  - a. Measure the relevant effects of the project on the ecosystemic and socioeconomic environment
  - b. Assess the accuracy of the predictions made within the FEIS.

The PEAMP must utilize, to the extent possible, the various monitoring plans developed by Tahera, as described in the FEIS, Final Hearing, and this Project Certificate as well as all monitoring plans required by applicable Authorizing Agencies.

As part of the PEAMP, Tahera is required to forward to NIRB all monitoring and mitigation plans upon completion or as amended or updated.

These include, but are not limited to:

1. Wildlife Mitigation and Monitoring Plan
2. Air Quality Management Plan
3. Ammonium Nitrate Management Plan
4. Blast Management Plan (Explosives Management Plan)
5. Environmental Management Plan
6. Noise Abatement Plan
7. Occupational Health and Safety Plan
8. Winter Road Emergency Response Plan
9. All Compliance Monitoring Plans or Programs, such as those associated with:
  - a. *Fisheries Act* and associated Authorizations
  - b. Indian and Northern Affairs Canada Infrastructure Lease (76E/13-2-2) and any associated plans and/or reports
  - c. Indian and Northern Affairs Canada Development Quarry Lease (76L/3-1-2) and any associated plans and/or reports
  - d. Nunavut Water Board Class A Water License
  - e. Department of Natural Resources Explosives Factory License and any associated plans and/or reports

2. Submit an annual report to NIRB by April 30<sup>th</sup> of each year the project is in operation until the post-closure phase. The report must contain, but is not limited to, the following information:
  - a. A summary of evidence indicating how Tahera has carried out the project in relation to the terms and conditions contained within the Project Certificate.
  - b. A summary of the results from the PEAMP including:
    - i. An analysis regarding whether or not the project is operating in accordance with the predicted impacts identified in the FEIS or at the Final Hearing. This analysis should include:
      - a) All relevant data (baseline and monitoring) to support impact predictions and effects conclusions
      - b) An analysis of the effectiveness of mitigation measures and discussion regarding any necessary adaptive mitigation strategies employed
      - c) Explicit conclusions related to whether or not the project is operating in accordance with the predicted impacts identified in the FEIS or at the Final Hearing.
    - ii. An analysis of the impact of the project upon the biophysical and socioeconomic environment
    - iii. Any modifications made to the PEAMP
  - c. Compliance status with all authorizations and applicable regulations and guidelines associated with the project;
  - d. Identification of all authorizations obtained to date for the project, including any requested renewals, updates, amendments or extensions to existing authorizations;
  - e. A summary of activities undertaken for the year, including any progressive reclamation work undertaken, and a work plan for the activities occurring in the following year – site photos should be provided where relevant;
  - f. A summary of community consultations undertaken and the results; and
  - g. A summary of site-visits by inspectors with results and follow-up actions.
3. Commencing October 31<sup>st</sup>, 2007, report to NIRB on a quarterly basis (October 31<sup>st</sup>, January 31<sup>st</sup>, April 31<sup>st</sup>, July 31<sup>st</sup>) on the current and planned infrastructure development at the Jericho Mine site.
4. Forward to NIRB copies of all authorizations obtained and required for the project on an as-received basis.

**NIRB Monitoring Officer's responsibilities related to this Monitoring Program:**

1. Advise Tahera of the obligation to prepare and submit an annual report, due April 30<sup>th</sup> of each calendar year.
2. Obtain, compile and review information collected and submitted by Tahera and applicable Authorizing Agencies.
3. Report annually to the Board with respect to the Monitoring Program as per Section 12.7.3(c) of the NLCA.
4. Provide recommendations to the Board on follow-up action related to the Monitoring Program.
5. Ensure that any recommendations made by the Board regarding the Monitoring Program are provided to Tahera in a timely manner.

**Authorizing Agencies' (Government) responsibilities related to this Monitoring Program:**

1. Provide any compliance monitoring reports to NIRB's Monitoring Officer by April 30<sup>th</sup> of each year. Any compliance monitoring report must contain, but is not limited to, the following information:
  - a. How each Authorizing Agency has incorporated the terms and conditions from the Project Certificate into their authorizations;

- b. Whether any inspections have been conducted, and the results of those inspections; and
- c. Whether Tahera is in compliance with any authorizations that have been issued.