



Fisheries and Oceans
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November 28, 2007

Our file:

NU-00-0068

Mr. Greg Missal,
Vice-President – Nunavut Affairs
Benachee Resources Inc.,
803-121 Richmond Street West,
Toronto, Ontario M5H 2K1

Dear Mr. Missal:

Subject: Fisheries Act Authorization Amendment #1 - Jericho Diamond Mine

In reviewing the need for an amendment to the subsection 35(2) *Fisheries Act* Authorization, the proposed changes to the original project were reviewed relative to the original screening that was conducted pursuant to subsection 18(1) of the *Canadian Environmental Assessment Act* (CEAA). In the context of the initial screening that was conducted under CEAA it has been determined that the proposed changes do not represent a significant change in the project.

The valid authorization period will be changed from December 31, 2007 to August 15, 2008.

The following conditions in Authorization Number NU-00-0068 shall be changed to read:

- 6.4.4 Implementation of the approved drawings for the construction of the rock shoals shall be completed prior to May 31, 2008.
- 6.5.4. Final detailed design drawings for the connecting channel (Stream 021) shall be submitted to Fisheries and Oceans Canada – Iqaluit Office on or before January 1, 2008 for review and approval.
- 6.5.5. Implementation of the approved drawings for the connecting channel (Stream 021) shall be completed prior to August 15, 2008.
- 6.6 All fish habitat compensatory works shall be completed prior to August 15, 2008.
- 8.2.1. Monitoring of the Causeway shall be reported at the end of Year 3, 4, 5, 7, 9 and one (1) years following causeway reclamation (where Year 1 = 2005), and shall report on the sediment deposition adjacent to the structure.
- 8.2.2. Monitoring of the Stream C1 Diversion Channel shall be reported at the end of Year 4, 5, 7, 9, 11 and 13 (where Year 1=2005), and shall include stream discharge and temperature (correlated with ambient air temperature).
- 8.2.3. Monitoring of the rock shoals shall be reported at the end of Year 4, 5, 7, 9, 11 and 13 (where Year 1=2005), as outlined in the Detailed Compensation Monitoring Plan for rock shoals.

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8.2.4. Monitoring of the connecting channel (Stream 021) shall be reported at the end of Year 4, 5, 7, 9, 11 and 13 (where Year 1=2005) as outlined in the Detailed Compensation Monitoring Plan for the connecting channel (Stream 021).

Similarly the proposed changes do not affect the decision made in the original screening report pursuant to subsection 20 (1) of CEAA. We have confirmed with the Nunavut Impact Review Board (NIRB) that this minor variation to the scheduling of monitoring requirements will not require a re-screening by the NIRB.


Therefore, the original Authorization for the harmful alteration, disruption or destruction of fish habitat arising from the Jericho Diamond Mine, issued April 15, 2005, is hereby amended according to the conditions outlined above.

All other conditions specified in the subsection 35(2) *Fisheries Act* Authorization issued April 15, 2005 remain unchanged. For your convenience, I have also attached Table 1 outlining the revised schedule of due dates for mitigation and compensation monitoring reports.

Please contact Amy Liu at (867) 979-8007 or e-mail Amy.Liu@dfp-mpo.gc.ca should you have any questions or require additional information.

Yours sincerely,

Original Signed by:


Mr. Keith Pelley
A/Area Director,
Eastern Arctic Area, Iqaluit, NU

Attachments:

Fisheries Act Authorization Amendment #1 - Jericho Diamond Mine

Table 1: Jericho Diamond Mine due dates for compensation and monitoring reports

copy: Julie Dahl, DFO
Bev Ross, DFO
Tania Gordanier, DFO
Leslie Payette, NIRB
Phyllis Beaulieu, NWB
Rob Johnstone, NRC

Table 1: Jericho Diamond Mine

Due dates for mitigation and compensation monitoring reports

	Construction Completion Date	Mitigation Monitoring Report Due Date	Compensation Monitoring Report Due Date	Closure
Fish salvage	2005	Report submitted 2005	Not required	Not required
Causeway	2005	Report submitted 2005	Required in 2007, 2008, 2009, 2011, 2013	Mitigation Monitoring Report due year work is completed and a compensation monitoring report due one year after work completed. Monitoring report due one year following causeway reclamation
C1 Diversion	2007	Report due 2007	Required in 2008, 2009, 2011, 2013, 2015, 2017	Not required
Rock Shoals	2007	Report due 2007	Required in 2008, 2009, 2011, 2013, 2015, 2017	Not required
Enhancement of 182 m2 of fish habitat	2007	Report due 2007	Required in 2008, 2009, 2011, 2013, 2015, 2017	Not required

Note:

All monitoring reports are due Nov. 30 of each year.

Mitigation Monitoring Report is the summary report (as outlined in the *Fisheries Act* Authorization) on the implementation and effectiveness of the mitigation measures used during construction of the component.

Compensation Monitoring Report is the summary report (as outlined in the *Fisheries Act* Authorization) on the effectiveness of the compensation component.

Year 1	2005
Year 2	2006
Year 3	2007
Year 4	2008
Year 5	2009
Year 6	2010
Year 7	2011
Year 8	2012
Year 9	2013
Year 10	2014
Year 11	2015
Year 12	2016
Year 13	2017