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Your file - Votre référence
2AM-JER0410
Our file - Notre référence
IQA-N 9545-1-1JERG / CIDMS 154193

June 28th, 2007

Phyllis Beaulieu
Licensing Administrator
Nunavut Water Board
P.O. Box 119
Gjoa Haven, NU, X0A 1J0

**Re: General Operational Monitoring Plan- May 2007, Jericho Project,
Tahera Diamond Corporation**

Indian and Northern Affairs Canada (INAC) has performed a review of the General Operational Monitoring Plan (GOMP), submitted to the Nunavut Water Board (NWB). In conducting our review INAC has made reference to the following documents:

- i. General Operational Monitoring Plan, May 2007
- ii. General Operational Monitoring Plan, March 2005
- iii. Nunavut Water Board Licence NWB1JER0410
- iv. Reasons for Decision Including Record of Proceedings,
December 22, 2004
- v. Monitoring Program-2005 Report, submitted to
Nunavut Impact Review Board, May 2006

Section 1.0, Introduction, of the GOMP does not list all of the terms and conditions presented in Schedule L, Part 1 of licence 2AM-JER0410. Section 1.0 should be amended to include Part 1 a, b and c. INAC requests the NWB require the proponent update the GOMP to reflect the information requirements as listed in Schedule L Part 1.

Section 3.2, Monitoring Activities and Schedule, Paragraphs 3, 5 and 6 should be amended to refer to the INAC inspector. It is imperative the proponent understand INAC is responsible for enforcing the terms and conditions of all NWB licences as described under the Nunavut Waters and Surface Rights Tribunal Act. INAC recommends the NWB clarify for the proponent the respective roles INAC and the NWB play in fresh water management.

INAC notes that Section 4.0, QA/QC, of the May 2005 version of the General Operational Monitoring Plan has been omitted from the May 2007 version. It appear several sub-sections listed in the May 2005 version of the GOMP also exist in the 2007 version of the GOMP, albeit in different sections. However, that is not to say the sections found in both versions of the GOMP are consistent (example: chain of custody). INAC suggests the NWB seek an

explanation from the proponent as to why the QA/QC section was omitted from the 2007 GOMP. INAC feels this section should reappear in all future versions of the General Operational Monitoring Plan. Furthermore, INAC notes that there are some broader issues related to QA/QC for the Jericho Project, namely a February 26th, 2007 letter addressed to Greg Missal of Tahera from Joe Murdock of the NWB requesting further information from the proponent. INAC requests to know if the NWN received a response to the letter and if any further documentation on the topic exists.

INAC noted an error in Table 2 - Receiving Environment Water Quality Monitoring Requirements. For station JER-WQ6 the frequency stated in the GOMP is not consistent with what is listed in 2AM-JER0410. INAC suggests the NWB require the proponent ensure 2AM-JER0410 is properly represented in the GOMP.

Appendix A, C3 Water Level Recorder and Radio Link Equipment, lists information pertaining to the model, specifications and operating procedures for various types of environmental data recording equipment. INAC requests the NWB require the proponent to update Appendix A and provide rational should any of the listed equipment require replacement or modification.

Appendix B, Site Water Quality Objectives, presents information related to proposed site-specific water quality criteria for copper, cadmium, aluminum and nitrite. INAC would like to note similar information was commented on by INAC in response to information submitted to Nunavut Impact Review Board as part of the Monitoring Program-2005 Report. The Reasons for Decision Including Record of Proceedings (RFD) for licence 2AM-JER0410 speak specifically to aluminum and nitrites. In reference to aluminum the RFD states “*the Board has decided that further consideration is needed and therefore sets regulated parameters for Total Aluminum and in addition Dissolved Aluminum. No opposition was presented to further regulate Dissolved Aluminum.*” In reference to nitrites the RFD states “*...the Board agrees to the more stringent values proposed by both DIAND and EC to err on the side of prudence. BRI may apply at a future date to obtain relief for nitrite followings submission of evidence to support the request.*” That said, INAC would like the NWB to provide direction to interveners on how the NWB interprets the information presented in Appendix B. Does the NWB wish to revisit the site-specific discharge parameters based on the information presented in Appendix B? Has the NWB given advice to the proponent on how they ought to approach reassessing site-specific discharge parameters? As the RFD indicates numerous parties were involved in the decision to set site-specific discharge parameters. Thus, should the proponent wish to pursue this matter further, i.e. an amendment to 2AM-JER0410, INAC wishes to reserve the right to review such changes independent of the GOMP review.

INAC suggests that Appendix D, Sampling SOPs, be amended to provide greater depth of detail. For instance INAC requests more detail be provided on the methodology for sampling, preserving, handling and transportation of samples. For instance, although chain of custody forms have been presented in Appendix C, there is no mention as to whether or not the sample bottles are signed and sealed prior to shipping.

The RFD contains a section for Part L: Conditions Applying to General and Aquatic Effects Monitoring Plans, which states “*the Board is requesting that an updated comprehensive “General Monitoring Plan” be submitted to the Board for approval, which reflects monitoring issues raised during the regulatory review process and those outlined by the Board in this Licence.*” Section 2.0, Objectives and Scope of the GOMP, presents the rationale and intent for the GOMP. Based on such information, INAC believes the proponent should make linkages between the GOMP and other reports requested in 2AM-JER0410. For instance, in reviewing Schedule B, General Conditions, of 2AM-JER0410 it would appear the Annual Report and the GOMP could have a strong relationship. In INAC’s opinion, the Annual Report and the GOMP should not be stand alone documents with minimal, if any, cross referencing. A similar argument could be made for other conditions listed under Schedule L of 2AM-JER0410 namely the QA/QC plan, Annual Seepage Survey and the Aquatic Effects Monitoring Plan. INAC feels it would be less onerous on the proponent and reviewers, in the long term, if strong linkages between documents were made. Thus, INAC requests the NWB offer direction to the proponent as to how they can improve the quality of the GOMP while also giving consideration to the framework for document creation and submission.

Since there are no set guidelines to aid the proponent in developing the GOMP, INAC would like to propose a method to improve information management and presentation. When submitting a revision to the GOMP the proponent should outline through red text and a text strikethrough any deletion made from the most recent GOMP. Also, the proponent should outline through blue text any additions made to future additions. Then, once the updated and or edited version of the GOMP has been reviewed by interveners and accepted by the NWB, the proponent should submit a final ‘black text only’ version of the GOMP to the NWB. The final version should then be posted on the NWB-ftp site along with past versions of the GOMP.

Should you have any questions or comments, please do not hesitate to contact me at (867) 975-4548 or by email at BathoryS@ainc-ianc.gc.ca.

Sincerely,

Original Signed By

Stephen Bathory
Regional Coordinator