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Our file: 4702 025

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Via Email at gjoudrey@nirb.nunavut.ca

Dear Ms. Briscoe and Ms. Joudrey:

RE: Tahera Diamond Corporation, 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 2 May 2005. Environment Canada would like to thank the Nunavut Impact Review Board (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 – Canadian Wildlife Service (EC-CWS) has responsibilities for migratory birds and species at risk in Canada. As such, the comments below pertain principally to those mandated areas of interest.

This version of the plan is much improved over the previous documents dealing with wildlife at and surrounding the Jericho project. The proponent has addressed many of the EC-CWS key concerns outlined in the letter of 23 March 2005. Specifically:

- The proponent has now agreed to gather additional, scientifically-based survey data on migratory birds upon which agencies and the proponent can gauge effects.
- The proponent has agreed to include a larger survey area, to acknowledge that the impact footprint may be larger on migratory birds than simply the area directly affected by habitat alteration and consequent habitat degradation or loss.
- The proponent has provided additional details on a sampling plan for migratory birds, with approximate dates and methods (e.g. Tables 5 & 6).



- The proponent has provided more details on appropriate scientific survey methodologies for all wildlife, including migratory birds.
- The proponent has identified that efforts will be made to work with and learn from other development projects in the Arctic, and from other organizations in Nunavut and Northwest Territories.
- The proponent has *not* changed some of the wording regarding “key” wildlife habitats, which have been identified as inaccurate statements since the EC review of 9 May 2003 (e.g. Section 6, p 17 in Appendix A). *However*, it is clear in this revised document that the EC concerns about these statements have been addressed in the monitoring plan, despite the fact that they remain in parts of the document.

However, in regards to the new WM&M Plan, EC has some additional concerns, as follows:

- Page 4, Table 1: The proponent describes construction during the nesting period of birds in this region, yet on pages 19-23, it is indicated that such activities will be completed when birds are not present. How does the proponent reconcile these contradictory statements? Importantly, if the schedule in Table 1 is correct, how does the proponent intend to deal with encountered bird nests?
- If in fact construction is to begin in 2005 during the breeding season, then the question arises as to how useful are baseline data from 1999 and 2000, where surveys were brief and inadequate as detailed in our previous correspondence. ***The CWS has assumed that the proponent intends to initiate the wildlife surveys in 2005 to augment the initial, but inadequate, baseline migratory bird data.*** If this is not the case, and the schedule in Table 1 is correct, then the proponent will need to refer to our former comments indicating that baseline information provided is inadequate against which to compare impacts.
- Page 11-14: The proponent has included many caveat statements in these pages, e.g. “as warranted” and “where possible”. Environment Canada is concerned about who is going to determine what is “warranted” or “possible”? For example, if these statements are simply left in their current form, it is conceivable that the proponent could argue that some mitigative measure was not undertaken because of financial constraints (i.e. it was not possible for financial reasons). We recommend that the NIRB acquire some further clarification on these caveats, in order to identify what types of factors may be used to determine what is “warranted” or “possible”.
- Page 33, Table 2: This table is a bit overstated, in that many of the activities here are definitely “informal” monitoring approaches, and certainly not the type of data that are suitable for scientific monitoring. Note that the Nunavut Wildlife Harvest Study is completed and not ongoing – it finished in 2001 with no current plans for renewal.

Overall, the new version of the WM&M Plan is a considerable improvement over the earlier effort, and addresses many of the concerns or recommendations provided by EC-CWS in both the 9 May 2003 and 23 March 2005 submissions regarding the Final Environmental Impact Statement (EIS) and the Supplemental EIS, or earlier versions of the WM&M Plan for this project, as it relates to migratory birds or species at risk. In particular, the proponent has now added additional, scientifically-based surveys appropriate for statistical treatment of wildlife data over a larger area than the initial footprint. (Note that EC anticipates the GN-DoE will provide comments regarding fur-bearing species at risk and other mammals, which, because they constitute important parts of the diet of local residents and have been identified as key wildlife concerns for the project [e.g. caribou], may require more scrutiny regarding sampling protocols and monitoring



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plans.) However, we note that our relatively "positive" review of the new plan assumes that the proponent intends to initiate the construction work in 2005/6, after the breeding season for the birds as indicated in the text of the document but not in Table 1. If in fact this is not the case, then EC reiterates its previous comments that baseline data are inadequate on which to base effects comparisons, no matter how much better surveys are during construction, operation and closure. At least one year of quality migratory bird surveys will be needed to augment the brief surveys of 1999 and 2000 to satisfy EC's concerns regarding comparisons of effects.

Environment Canada's remaining concerns (as noted above) are minor, and can be dealt with directly between the NIRB and the proponent regarding details of the conditions whereby environmental mitigative measures would not be undertaken.

If there are any changes in the proposed plan, EC should be notified, as further review may be necessary. Please do not hesitate to contact me with any questions or comments with regards to the foregoing at (867) 975-4639 or by email at colette.spagnuolo@ec.gc.ca. Alternately, please contact Mark Malloy, Biologist, Canadian Wildlife Service at (867) 975-4637 or by email at mark.mallory@ec.gc.ca

Yours truly,

Original signed by

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cc: (Stephen Harbicht, Head, Assessment and Monitoring, Environment Canada, Yellowknife)
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(Siu-ling Han, Section Head, Eastern Arctic Region, Canadian Wildlife Service, Environment Canada, Iqaluit)
(Mike Atkinson, Government of Nunavut, Department of Environment, Iqaluit)