



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

Philippe diPizzo  
Executive Director  
Nunavut Water Board  
P.O. Box 119  
Gjoa Haven, NU X0B 0C0  
Tel: (867) 360-6338  
Fax: (867) 360-6369

Via Email at [exec@nwb.nunavut.ca](mailto:exec@nwb.nunavut.ca)

Dear Mr. diPizzo

**RE: Tahera Diamond Corporation, Jericho Diamond Project – East and Southeast Dam Construction Specifications**

Thank-you for the opportunity to provide input to the Nunavut Water Board (NWB) regarding the East and Southeast Dam Construction Specifications (herein referred to as “the Specifications”) developed by Tahera Diamond Corp. for the Jericho Diamond Project. This plan is required under Part D, Item 2 of the water license NWB1JER0104. This submission is being provided as requested by the NWB in their letters dated March 23, 2005 and October 13, 2005, indicating that a written hearing will be held on this plan.

## **1.0 Introduction**

The mandate of Environment Canada (EC) is defined by the *Department of the Environment Act*. This *Act* provides the Department with a general responsibility for environmental management and protection in terms of the need to foster harmony between society and the environment for the economic, social, and cultural benefit of present and future generations of Canadians. The Department shares this responsibility with the provinces and territories. Environment Canada is also responsible for providing specialist or expert information and knowledge for the preservation and enhancement of environmental quality.

The operation of the Jericho Diamond Mine is subject to the following statutes administered by Environment Canada: Section 36(3) of the *Fisheries Act*, the *Canadian Environmental Protection Act* (CEPA 1999), the *Migratory Birds Convention Act*, and the *Species at Risk Act*.

Environment Canada’s review of the Specifications is based primarily on its mandated responsibility for the administration and enforcement Section 36(3) of the *Fisheries Act*. The *Compliance and Enforcement Policy for the Habitat Protection and Pollution Prevention Provisions of the Fisheries Act* states that compliance with the federal *Fisheries Act* is mandatory. Subsection 36(3) of the *Fisheries Act* specifies that unless authorized by federal regulation, no person shall deposit or permit the deposit of deleterious substances of any type in water frequented by fish, or in any place under any conditions where the deleterious substance, or any other deleterious substance that results from the deposit of the deleterious substance, may enter any such water. Proponents should note that only a federal regulation under the *Fisheries Act* or another Act of Parliament can



authorize a discharge of a deleterious substance; no federal permit, provincial, territorial or municipal regulatory permit or approval allows for exemption from these provisions of the *Fisheries Act*.

## 2.0 Specific Comments

Environment Canada provides the following comments for the Nunavut Water Board (NWB) for consideration in the review of this document. The comments are organized according to the specific specification title for ease of comparison.

### Water Control

- The proponent shall not deposit, nor permit the deposit of any fuel, chemicals, wastes or sediment into any water body. According to the Fisheries Act, Section 36(3), the deposition of deleterious substances of any type in water frequented by fish, or in any place under any conditions where the deleterious substance, or any other deleterious substance that results from the deposit of the deleterious substance, may enter any such water, is prohibited.
- The proponent shall ensure that preventative measures are employed such that any stockpiled material excavated from the trench does not result in sedimentation of surrounding waterbodies.
- The proponent shall ensure that dewatering activities do not result in increased ammonia levels and levels of nitrogen compounds (due to blasting residues used in the excavation of the trench) in receiving waterbodies.
- The proponent shall ensure that preventative measures are employed at locations where ground water inflow or surface run off water are discharged.

### Foundation Preparation

- The proponent shall ensure that any sumps created for the disposal of drill cuttings are located above the high water mark of any water body and in such a manner as to prevent the contents from entering any water body frequented by fish. Further, any sumps created shall be backfilled upon completion of the work and contoured to match the surrounding landscape.
- The *Canadian Environmental Protection Act* has recently listed CaCl as a toxic substance. The proponent shall therefore ensure that if CaCl is used as a drill additive, all sumps containing CaCl are properly constructed and located in such a manner as to ensure that the contents will not enter any water body.

### Fill Materials

- Tahera Diamond Corp. shall ensure that the excavation of material for use as fill is consistent with the Borrow Management Plan for the site.

## Section 3.0 Summary

Environment Canada would like to thank the NWB for the opportunity to participate in the review of the various documents required under the water license for the Jericho Diamond Project. If there are any significant changes in the proposed plan, EC should be notified, as further review may be necessary. Please do not hesitate to contact Colette Spagnuolo with any questions or comments with regards to the foregoing at (867) 975-4639 or by email at [colette.spagnuolo@ec.gc.ca](mailto:colette.spagnuolo@ec.gc.ca).



**Environment Environnement  
Canada Canada**

Yours truly,

***Original Signed By:***

C.A. (Chuck) Brumwell  
Manager, Northern Division

cc: (Stephen Harbicht, Head, Assessment and Monitoring, Environment Canada, Yellowknife)  
(Colette Spagnuolo, Environmental Assessment / Contaminated Sites Specialist, Environment Canada, Iqaluit)  
(Phyllis Beaulieu, Manager of Licensing, Nunavut Water Board, Gjoa Haven, NU)