



Environment Environnement
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Our file: 4702 025

Philippe diPizzo
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Nunavut Water Board
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Via Email at exec@nwb.nunavut.ca

Dear Mr. diPizzo

RE: Tahera Diamond Corporation, Jericho Diamond Project – Processed Kimberlite Management Plan

Thank-you for the opportunity to provide input to the Nunavut Water Board (NWB) regarding the Processed Kimberlite Management Plan (herein referred to as the PKCA Management Plan) developed by Tahera Diamond Corp. for the Jericho Diamond Project. The PKCA Management Plan is required under Part H, Item 1; Part D, Item 5; and Schedule H, Item 5 of the water license NWB1JER0410. This submission is being provided as requested by the NWB in their letters dated March 23, 2005 and March 22, 2006, 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 PKCA Management Plan 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,



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territorial or municipal regulatory permit or approval allows for exemption from these provisions of the *Fisheries Act*.

2.0 Specific Comments

Environment Canada is generally satisfied with the information currently presented in the PKCA Management Plan and the adaptive management approach outlined in the Plan seems reasonable. Environment Canada does note that the Plan does not address monitoring winter supernatant quality. Annual winter monitoring would provide information regarding under-ice behaviour of TDS constituents and fines.

While not specifically related to the plan currently under review, other diamond mines in the north are running a small diamond extraction circuit, which re-processes coarse kimberlite in order to take advantage of current demand for smaller diamonds and increased prices. If successful and implemented on an ongoing basis, coarse processed kimberlite (PK) may become smaller, generating more fines, which in turn will likely result in increased amounts of fine PK reporting to the containment facility. If Tahera decides to implement this type of process in the future, the PKCA Management Plan should be updated as required.

If there are any changes in the proposed project, 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.

Yours truly,

Original signed by

Cheryl Baraniecki,
Manager, Environmental Assessment

cc: (Stephen Harbicht, Head, EA North, Environment Canada, Yellowknife)
(Anne Wilson, Water Pollution Specialist, Environment Canada, Yellowknife)
(Colette Spagnuolo, EA / Contaminated Sites Specialist, Environment Canada, Iqaluit)