



Fwd: Diamond Mine Legal info

Richard Dwyer <richard.dwyer@nwb-oen.ca>
Draft To: Sergey Kuflevskiy <sergey.kuflevskiy@nwb-oen.ca>

Mon, Nov 30, 2020 at 11:59 AM

From: **Wilson2, Anne (EC)** <anne.wilson2@canada.ca>
Date: Mon, Nov 30, 2020 at 10:56 AM
Subject: RE: Diamond Mine Legal info
To: Sergey Kuflevskiy <sergey.kuflevskiy@nwb-oen.ca>
Cc: Karén Kharatyan <karen.kharatyan@nwb-oen.ca>, Shore, Victoria (EC) <victoria.shore@canada.ca>, Ruiiu, Cristina (EC) <cristina.ruiiu@canada.ca>, Fairbairn, Margaret (EC) <margaret.fairbairn@canada.ca>, Jamie Quesnel (jamie.quesnel@agnicoeagle.com) <jamie.quesnel@agnicoeagle.com>

Good morning,

During the questioning of Agnico Eagle Mines Inc. I raised a concern with the 5000 mg/L TDS Maximum Grab limit, based on the recently released results of the *Ceriodaphnia dubia* toxicity testing which showed lethality at those levels.

I mentioned a previous case for a Saskatchewan diamond mine (Shore Gold's Star-Orion project) in which ECCC had raised the issue of deleteriousness based on *C. dubia* test results at similar chloride levels as what would occur in the proposed TDS of 5000 mg/L. In that situation, ECCC had advised the proponent that the proposed effluent would be deleterious and should not be discharged, as it would violate the *Fisheries Act* s. 36(3). Those letters do not appear to be available on the CEAA Registry, and I am not able to share correspondence between a Proponent and ECCC, but the comment has been included in the table of federal comments posted on the registry (see first link below).

See pdf page 6, row 58 of the table:

https://ceaa-acee.gc.ca/050/documents_staticpost/46277/89420/2012-2013_Federal_Info_Request_to_Shore.pdf

The basis of the concern in this case was the repeated high mortality results for *C. dubia*. See test data on pdf pages 46 and 57.

https://iaac-aeic.gc.ca/050/documents_staticpost/46277/89411/06-Appendix_6-2-8-E-Mannville_Assessment_Redacted.pdf

The water management strategy was subsequently revised to avoid releases of the high TDS/chloride water.

I had mistakenly stated that we had received a legal opinion on this issue; the legal opinion I was remembering was actually for a later stage of the process with the new water management strategy. The basis for the determination of

deleteriousness at this stage of the review was based on internal discussions between our mining regulatory section and toxicity protocol experts.

I trust that this is sufficient documentation of the concern as described; if necessary we can revisit this internally again and I would expect a consistent conclusion given the similarity of the data.

Best regards,

Anne

Anne Wilson, M.Sc.

Team Lead, Water Quality, Expert Support, EPOD
Environment Canada / Government of Canada
Anne.Wilson2@Canada.ca / Tel: 780-951-8856 / Cell: 587-337-2315

Chef d'équipe, Qualité de l'eau, Soutien expert
Environnement Canada / Gouvernement du Canada
Anne.Wilson2@Canada.ca / Tél. : 780-951-8856 / Tél. cell. : 587-337-2315

From: Sergey Kuflevskiy <sergey.kuflevskiy@nwb-oen.ca>
Sent: November 30, 2020 9:41 AM
To: Wilson2, Anne (EC) <anne.wilson2@canada.ca>
Cc: Karén Kharatyan <karen.kharatyan@nwb-oen.ca>
Subject: Diamond Mine Legal info

Hi Anne,

Could you please send the information you referred to, providing it is available to the public indeed?

I can distribute it to everybody afterwards either in chat or by email.

Thank you,

 Merci de penser à l'environnement avant d'imprimer ce courriel / Thank you for thinking of the environment before printing this email