Diavik Diamond Mine Project

Presentation to the
Wek’èezhìi Land and Water Board

Water Licence Amendment Public Hearing
Yellowknife, NT
February 12, 2016
Overview

1. Fisheries and Oceans Canada (DFO) – Fisheries Protection Program
   • Mandate, Legislation and Policy

2. Technical Comments and Recommendations

3. Conclusions

4. Questions and Comments
DFO’s Fisheries Protection Program - Mandate

The mandate of the Fisheries Protection Program is to maintain the sustainability and ongoing productivity of commercial, recreational and Aboriginal fisheries.
Fisheries Protection Program – Legislation

• **Fisheries Act**
  • Section 35
    • Prohibits serious harm to fish
    • Allows for authorization of impacts with conditions
  • Sections 20
    • Requirement for sufficient water, fish passage

• **Species at Risk Act**
  • Sections 32, 33, 58
    • Prohibits killing, harming, harassing, capturing or taking of listed species, destruction of residence, critical habitat

• **Mackenzie Valley Resource Management Act**
Fisheries Protection Program – Policy

• **Fisheries Protection Policy Statement** (2013)
  • Guidance on implementing the fisheries protection provisions of *Fisheries Act*

• **Fisheries Productivity Investment Policy: A Proponent’s Guide to Offsetting** (2013)
  • Guidance on measures to offset serious harm to fish
Technical Comments and Recommendations

Fisheries and Oceans Canada’s comments are focused on the following areas:

- **Changes to Water Licence**
  - Part H, Item 31

- **Suggested TSS Trigger Levels**
DDMI No Net Loss Plan, 1998
Changes to Water Licence

Item: Alteration of Part H, Item 31. Removal of details regarding placement of SNP Stations #1645-82 to 84, change TSS limit to 25 mg/L over 30-d moving average, ‘any’ grab sample to ‘daily.’

Recommendation 1: Consider amending Part H, Item 31 TSS limits suggested by proponent or other reviewers.

Recommendation 2: Averaging period for TSS should allow for immediate and effective corrective action.
Suggested TSS Trigger Levels

**Item:** Proponent suggested 4-step series of TSS triggers to be used during A21 dike construction.

**Recommendation 3:** Clarify rationale for TSS concentrations to be used as action level triggers and the associated actions to be taken. Submit trigger levels for review in revised Construction Environmental Management Plan before 2016 construction season.
Conclusion

Fisheries and Oceans Canada will continue to work with the Proponent and stakeholders, including potentially impacted communities, to ensure that:

- Impacts to fish and fish habitat as a result of TSS are avoided and mitigated.
- All exceedances of TSS limits are evaluated for potential serious harm to fish
Thank You

Questions?