



Fisheries and Oceans
Canada

Pêches et Océans
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Your file / Votre référence
EA0809-003

Our file / Notre référence

October 31st, 2008

Via e-mail to : pmercredi@mveirb.nt.ca

Paul Mercredi
Environmental Assessment Officer
Mackenzie Valley Environmental Impact Review Board
PO Box 938
Yellowknife, NT X1A 2N7

Dear Mr. Mercredi:

RE: DFO Comments on the scope for Tyhee NWT Corp's Yellowknife Gold Project

Fisheries and Oceans Canada (DFO) attended the scoping session held on October 17th, 2008 in Yellowknife for Tyhee NWT Corp's Yellowknife Gold Project. As a follow up to that session, DFO would like to provide the Mackenzie Valley Environmental Impact Review Board (MVEIRB) with the following written scoping submission.

DFO is responsible for developing and implementing policies and programs in support of Canada's scientific, ecological, social and economic interests in relation to sea, coastal and inland fisheries, and oceans in general. DFO's primary focus in reviewing proposed developments in and around fishery water is to ensure that the works and undertakings are conducted in such a way that the proponents are in compliance with the applicable provisions of the *Fisheries Act*. DFO also has expertise in areas including but not necessarily limited to oceans science, fish and marine mammal biology, aquatic ecology, as well as fisheries and habitat management.

DFO has reviewed the Project Description Report submitted by Tyhee NWT Corp in July 2008. As a result of this review, DFO has identified the following components or activities of the mine development that will likely require advice or authorizations under the *Fisheries Act* as well as potential advice to Governor in Council (GIC) for the amendment to the Metal Mining Effluent Regulations (MMER), and therefore should be included in the scope of the Environmental Assessment.

- Construction, operation, maintenance and decommissioning of the winter road between Ormsby and Nicholas Lake Camps;
- All upgrades to the existing roads on Ormsby Deposit and area that might require a water crossing, including the installation of any culverts;

- Construction, operation, maintenance and closure of all dams associated with the proposed Tailings Containment Area (TCA) at Winter Lake or any other options proposed for the deposit of tailings;
- Dewatering of Winter Lake;
- Water withdrawal from Giauque Lake and Nicholas Lake for camp use;
- Water withdrawal from Giauque Lake for the purpose of mine and mill operations;

DFO has determined that Tyhee NWT Corp's development proposal may likely require the issuance of the following authorizations and/or approvals:

- The potential listing of a natural water body as a Tailings Impoundment Area (in this project referred to as the Tailings Containment Area (TCA)) on Schedule 2 of the *Metal Mining Effluent Regulations* (MMER) pursuant to paragraphs 36(5)(a) to (e) of the *Fisheries Act* for Winter Lake.
- The issuance of potential authorizations pursuant to subsection 35(2) of the *Fisheries Act* for the harmful alteration, disruption or destruction of fish habitat for works in and around Winter Lake, Narrow Lake and the inlet to Narrow Lake, and downstream effects of the dewatering and isolation of Winter Lake, and potential water crossings for both the proposed road between Nicholas and Ormsby Deposits and any upgrades to existing infrastructure.
- The issuance of potential authorizations pursuant to section 32 of the *Fisheries Act* for the destruction of fish by other means than fishing for the detonation of explosives in or near fish bearing waters.

It should be noted that a full description of the proposed operations at Nicholas Lake has not been provided in the Project Description. The potential impacts and proposed mitigation and monitoring programs associated with the proposed development of the Nicholas Deposit must be provided. Once this information is supplied, DFO will review and assess the data to determine if there is likely a need for an Authorization related to the development of the Nicholas deposit. Therefore it is critical that the information provided be as detailed as possible.

As noted in DFO's letter to Tyhee NWT Corp on December 16th, 2005, additional technical and site specific information will be required in the regulatory phase for the amendment to Schedule 2 of the MMER. It is optimal that the information required for the amendment to the MMER be submitted concurrently with the EA. This information is to include a thorough alternatives analysis of all scientifically and economically justifiable options to using Winter Lake as a Tailings Containment Area, including an evaluation of other alternatives in combination with paste backfill of the underground

workings, as well as detailed engineering design, public consultation, fish habitat compensation plans and related financial securities specific to the TCA. DFO strongly encourages the proponent to supply this information to the Department, the Review Board and other interested parties (e.g. Environment Canada, Natural Resources Canada), in the Environmental Assessment process.

Finally, it should be noted that all comments are based on our current understanding of the proposal, as submitted by Tyhee NWT Corp in the July 2008 project description, and that should subsequent submissions or re-design of the project be submitted, we anticipate that changes to the scope would be required.

In closing, DFO would like to thank the MVIERB for the opportunity to provide comments and we look forward to continued discussions related to this development proposal. If there are any questions or clarification needed on any of these matters, please contact Sarah Olivier at (867) 669-4919.

Regards,



Beverley Ross
Regional Manger, Environmental Assessment for Major Projects
Central and Arctic Region, Fisheries and Oceans Canada

Attach:

December 16, 2005 letter from DFO to Hugh Wilson, Tyhee NWT Corp.

cc. Ginny Flood, Fisheries and Oceans Canada
Stuart Dean, Fisheries and Oceans Canada
Julie Dahl, Fisheries and Oceans Canada
James Boraski, Fisheries and Oceans Canada