



301-5204 50th Ave.
Yellowknife, NT
X1A 1E2

June 10, 2016

Your file *Votre référence*
2AM-DOH1323
Our file *Notre référence*
02-HCAA-CA7-00117

Nunavut Water Board
ATTN: Ms. Phyllis Beaulieu
Manager of Licensing
P.O. Box 119
Gjoa Haven, Nunavut X0B 1J0

Dear Ms. Beaulieu:

Subject: TMAC Resources Doris North AEMP Plan and Proposed Surveillance Network Program Revisions

Fisheries and Oceans Canada's Fisheries Protection Program (DFO-FPP) would like to thank the Nunavut Water Board for the opportunity to provide comments on TMAC Resources Inc. (TMAC)'s Hope Bay Project Doris Aquatic Effects Monitoring Plan (AEMP) and proposed Surveillance Network Program (SNP) Revisions for the Doris North Gold Mine Project (the Plan).

DFO-FPP understands that comments regarding the Plan must be provided to the Nunavut Water Board by June 22, 2016.

TMAC's Plan has been reviewed by DFO-FPP, and DFO-FPP participated in the AMF Working Group Meeting to discuss the Plan on June 6, 2016. DFO-FPP has the following comments:

Low Action Level Trigger

DFO-FPP recommends that the low action level trigger for water levels represent the mean total drawdown for ice and water levels combined, instead of considering mean ice thickness and water level separately (p. 17).

Medium and High Action Level Mitigation Options

DFO-FPP recommends that the mitigation options that may be implemented in the event that Medium and High Action Levels are exceeded should be more specifically described. That is, examples of the relevant management plans that may be modified, and structures or facilities that may be constructed should be provided (p. 18).

Commitments and Recommendations to Monitor Water Levels

At the Public Hearing for the Project Certificate Reconsideration of the Doris North Gold Mine Project held in April 2016, DFO-FPP recommended that TMAC revise their Aquatic Monitoring Framework to include reporting of

- a) ongoing monitoring of water levels in Doris Lake and outflows, as well as
- b) thresholds beyond which localized effects to fish populations and fish habitat may occur and must be evaluated (such as a reduction in water levels beyond the natural range of variability in Doris Lake).

DFO-FPP notes that the inclusion of the Doris Hydrometric Station site (monitoring water levels) and the Doris Lake North (Existing AEMP Site, monitoring ice thickness, temperature and dissolved oxygen) as shown in Figure 3.1-1 of the Plan, as well as Action Level Triggers in the Plan fully addresses DFO-FPP's recommendations identified above.

Duty to Notify DFO

TMAC indicates in the Plan that if the water level in Doris Lake drops below the natural maxima, "egg mortality may ensue and potentially result in an adverse effect to the fisheries in Doris Lake. This could require offsetting under the *Fisheries Act*" (p. 6). Furthermore, if water level thresholds are exceeded DFO should be notified for "potential fisheries compensation mitigation." (p. 18)

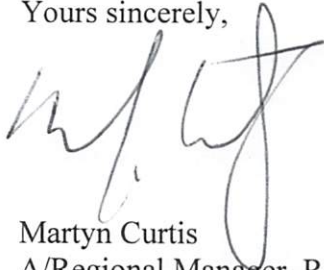
DFO-FPP notes that it is not possible to offset unauthorized *serious harm to fish*. Proponents have a *Duty to Notify DFO* (under subsection 38(4) of the *Fisheries Act*) if they believe they have caused, or are about to cause, an occurrence resulting in *serious harm to fish*. If DFO determines that *serious harm to fish* has occurred, then proponents have a *Duty to Take Corrective Measures* (subsection 38(6) of the *Fisheries Act*).

DFO-FPP recommends that TMAC revise the Plan by removing references to offsetting, compensation, or mitigation where the reporting of potential unauthorized *serious harm to fish* is being discussed.

DFO-FPP will continue to participate in the Nunavut Water Board's review processes as they relate to DFO-FPP's mandate regarding the Doris North Gold Mine project.

If you have any questions, please contact Julie Marentette at 867-669-4934, or by email at Julie.Marentette@dfo-mpo.gc.ca. Please refer to the file number referenced above when corresponding with DFO-FPP.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M. Curtis', with a large, stylized flourish extending from the end.

Martyn Curtis
A/Regional Manager, Regulatory Reviews
Fisheries Protection Program

COPY LIST:

Julie Marentette (DFO)