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*Your file*      *Votre référence*  
2AM- DOH1335

*Our file*      *Notre référence*  
12-HCAA-CA7-00012, 22-HCAA-  
02496

June 19, 2026

Nunavut Water Board (NWB)  
P.O. Box 119  
Gjoa Haven, NU  
X0B 1J0

**Subject: Fisheries and Oceans Canada's Technical Comments for the Licence Renewal for Agnico Eagle Mines Limited Doris-Madrid (Hope Bay) Project Type A Water Licence No. 2AM-DOH1335**

Dear Richard,

As requested by the Nunavut Water Board (NWB) in the "Notice & Technical Review" dated April 30, 2026, the Fish and Fish Habitat Protection Program of Fisheries and Oceans Canada (DFO) has conducted a review of Agnico Eagle Mines Limited Doris-Madrid (Hope Bay) Type "A" Water Licence amendment application in accordance with its mandate, i.e. the management, protection and conservation of fish and their habitats.

DFO provides five technical comments related to the potential impacts from increased water withdrawal (DFO-TRC-01-03), blasting (DFO-TRC-04), and offsetting (DFO-TRC-05). DFO is of the opinion that the concerns raised in this document should be discussed and addressed during the Water Licence renewal proceedings as they may be shared by other regulators (e.g., Environment and Climate Change Canada, and Crown-Indigenous Relations and Northern Affairs Canada) and impacted communities and organizations.

With regard to Kitikmeot Inuit Association comment (KitIA-IR-24) and other comments pertaining to offsetting, DFO notes that DFO's regulatory process, when a *Fisheries Act* Authorization is needed, has similar components as the NWB Water License process (i.e., similar information is requested and reviewed); however, both processes are distinct. Therefore, comments reported by Agnico Eagle in the Hope Bay WL Amendment Appendix 1-C Engagement Summary and Appendix 6-Q Conceptual Offsetting Plan (Appendix A – Engagement) may be used to inform DFO's *Fisheries Act* Authorization application review, but it remains DFO's responsibility, under DFO's duty to consult, to facilitate distinct consultation with communities as needed. Additionally, if parties have concerns related to Fish and Fish Habitat and to Marine Mammals, DFO invites comments to be sent directly to us.



If you have any questions, please contact Holly Simpson at (867) 444-0037, or by email [Holly.Simpson@dfo-mpo.gc.ca](mailto:Holly.Simpson@dfo-mpo.gc.ca). Please refer to the file number referenced above.

Sincerely,

A handwritten signature in black ink that reads "José Audet-Lecouffe". The signature is written in a cursive, flowing style.

José Audet-Lecouffe  
A/ Team Lead  
Fish and Fish Habitat Protection Program  
Fisheries and Oceans Canada  
Arctic Region

cc: Holly Simpson – DFO  
Dana Harris – DFO



## DFO Mandate, Role, and Responsibilities

Fisheries and Oceans Canada (DFO) is a federal department responsible for safeguarding our waters and managing Canada's fisheries and oceans resources. DFO's Fish and Fish Habitat Protection Program (FFHPP) administers and ensures compliance for development projects taking place in and around fish habitat under the fish and fish habitat protection provisions of the *Fisheries Act* and relevant provisions of the *Species at Risk Act* (SARA).

The *Fisheries Act* and the *Species at Risk Act* provide a legal basis for conserving and protecting fish and fish habitat. The fish and fish habitat protection provisions of the *Fisheries Act* include:

- a prohibition against causing the death of fish, by means other than fishing (section 34.4);
- a prohibition against causing the harmful alteration, disruption or destruction of fish habitat (section 35);
- a framework of considerations to guide the Minister's decision-making functions (section 34.1); and
- ministerial powers to ensure the free passage of fish or the protection of fish or fish habitat with respect to existing obstructions (section 34.3).

The fish and fish habitat provisions of the *Fisheries Act* are applied in conjunction with other applicable federal laws and regulations related to aquatic ecosystems, including the *Species at Risk Act*, the *Oceans Act*, regulations respecting aquaculture, the Marine Mammal Regulations, and the Aquatic Invasive Species Regulations.

The fish and fish habitat protection provisions apply to all fish and fish habitat throughout Canada. Fish is defined in subsection 2(1) of the *Fisheries Act* as including (a) parts of fish, (b) shellfish, crustaceans, marine animals and any parts of shellfish, crustaceans or marine animals, and (c) the eggs, sperm, spawn, larvae, spat and juvenile stages of fish, shellfish, crustaceans and marine animals. Fish habitat is defined to include all waters frequented by fish and any other areas upon which fish depend directly or indirectly to carry out their life processes. The types of areas that can directly or indirectly support life processes include, but are not limited to: spawning grounds and nursery, rearing, food supply, and migration areas.

The fish and fish habitat protection provisions provide an approach to conserving and protecting fish and fish habitat, supported by policies and programs that provide for the long-term sustainability of freshwater and marine resources. DFO adopts a risk-based approach to the application of the fish and fish habitat protection provisions subject to the sensitivity of the fish and fish habitat in question.



## Comments

Review Comment #	DFO-TRC-01
Subject / Topic	Response Framework / Action Levels for Water Quantity
References	<ul style="list-style-type: none"> <li>• Agnico Eagle Mines Limited WL Amendment Main Application Document and Appendix 6-A Aquatic Effects Monitoring Plan</li> <li>• DFO Protocol for Winter Water Withdrawal from Ice-covered Waterbodies in the Northwest Territories and Nunavut (DFO, 2010)</li> <li>• Framework for Assessing the Ecological Flow Requirements to Support Fisheries in Canada (DFO, 2013)</li> </ul>
Comment / Request	<p>Water withdrawal can impact fish and fish habitat through a decrease of under-ice dissolved oxygen, change in downstream flow and loss of overwinter habitat and littoral habitat. While the proponent commits to meeting DFO's under-ice withdrawal guidance (i.e., withdrawing no more than 10% of the available under-ice volume), they will be exceeding DFO's guidelines surrounding ecological flow requirements of greater than 10% of instantaneous flow in eight streams and alterations resulting in less than 30% of the Mean Annual Discharge (MAD) in two streams (Doris and Imniagut Outflow). Exceedances of these guidelines have a heightened risk of impacts to ecosystems that support fisheries.</p> <p>As such, DFO would like to reiterate the comment presented in DFO IR-04 which requests that the Proponent provide an updated AEMP that includes a response framework for hydrological parameters similar to that of water quality. DFO acknowledges that the monitoring of water level, stream flow, and ice thickness will take place to validate water loss predictions, and as stated in the Proponent's response to DFO IR-04, that intake rates may be adjusted based on monitoring results to mitigate unanticipated effects to fish and fish habitat. However, DFO holds its position that a response framework / action levels are required in the AEMP for under ice water level, stream flow, delay in open water season for outflows, and ice thickness is required.</p> <p>The inclusion of a response framework for water quantity would act as a contingency measure and provide greater confidence that the actual water withdrawal will not exceed thresholds and approved volumes and/or flow. Given that the model used for the assessment of impacts to fish and fish habitat both within lakes and downstream are based on average year conditions and do not consider variation from year to year (i.e., low precipitation years leading to drought conditions), DFO is requesting this response framework to be developed and included.</p> <p>DFO requests that the proponent provide an updated AEMP that includes action levels for water quantity thresholds in all potentially effected lakes and streams. Should monitoring indicate that levels are approaching that which will be authorized in this amendment process or that of DFO's internal process, the Proponent must have contingencies, such as slowing or stopping water withdrawal or switching to another authorized waterbody if necessary, to avoid unauthorized impacts. DFO expects that the Proponent will identify appropriate action levels and response frameworks to be reviewed by the NWB, DFO, and other parties.</p>



Review Comment #	DFO-TRC-02
Subject / Topic	Additional Hydrology Modelling and Water Withdrawal Information Required for Review
References	<ul style="list-style-type: none"> <li>• Agnico Eagle Mines Limited WL Amendment Application Main Application Document and App 6-Q Conceptual Offsetting Plan</li> </ul>
Comment / Request	<p>DFO cannot complete a thorough review of the proposed amendment until additional hydrology information and modelling data have been provided.</p> <p>As stated in the Conceptual Offsetting Plan (Appendix 6-Q) of the amendment application, “Estimated fish habitat losses for Patch outflow, Ogama Inflow and Outflow, and Little Roberts Outflow are from the FEIS and will be updated once the hydraulic modelling results become available for these areas.” The Proponent states that the results of said modelling will provide key information regarding the potential delay in the open water season for Little Roberts Outflow. Once the updated modelling results become available, DFO will review the information and provide comments. Until then, DFO is unable to complete their review of the amendment application.</p> <p>Additionally, DFO requires further information regarding the 60,000 m<sup>3</sup>/year water withdrawal proposed from proximal sources. DFO requests the Proponent provides the location of the proximal sources, lake volumes of these sources, confirmation of adherence to DFO guidelines for water withdrawal (i.e., intake screens, under ice, and flow thresholds), and monitoring and reporting associated with this withdrawal. Further information about the waterbodies from which the 60,000 m<sup>3</sup>/year will be withdrawn is required to confirm all DFO guidelines are being followed and no additional impacts to fish and fish habitat occur as a result of the proposed water withdrawal from these proximal sources.</p> <p>DFO is unable to complete a full assessment of the impacts on fish and fish habitat until this information is provided. DFO will require this information for the assessment of the project during DFO’s <i>Fisheries Act</i> Authorization process. However, DFO is of the opinion that the results of the described modelling is pertinent to the NWB water license and should be considered during the amendment process.</p>

Review Comment #	DFO-TRC-03
Subject / Topic	Freshwater Withdrawal Monitoring
References	<ul style="list-style-type: none"> <li>• Agnico Eagle Mines Limited WL Amendment Main Application Document and Appendix 6-A Aquatic Effects Monitoring Plan</li> <li>• Agnico Eagle Mines Hope Bay 2025 Annual Report Appendix C5 AEMP Report</li> </ul>
Comment / Request	<p>DFO requests additional information regarding the monitoring of impacts associated with the proposed increased freshwater withdrawal.</p> <p>Following DFO’s recent review of the 2025 Hope Bay Annual Report, additional concerns have arisen regarding under ice monitoring. As stated in the 2025 AEMP Report for the Hope Bay Mine, “water levels and ice thickness measurements during the 2025 ice-covered season (a fish habitat variable) could not be evaluated for Glenn, Imniagut, PO, Ogama, and Little Roberts lakes due to weather and safety concerns”. It is later noted that the lack of data was due to thin ice. All previously</p>



	<p>listed lakes should be sampled due to potential effects from drawdown or water withdrawal impacts following the current AEMP.</p> <p>DFO is concerned that despite these lakes being included in the monitoring program in the proposed AEMP (Appendix 6-A) associated with the amendment, the feasibility of monitoring is limited, as highlighted by the lack of monitoring data presented for 2025. Of significant concern is the downstream lakes (i.e., Little Roberts Lake and Glenn Lake) that will experience increased effects on water level due to proposed increased withdrawal from Doris Lake and Windy Lake. DFO questions how under ice monitoring at these locations will occur if weather and safety concerns are an issue in the long-term. DFO requests the Proponent provide confirmation that the aforementioned lakes will be monitored as stated in the proposed AEMP and provide a contingency monitoring plan in the event that similar weather and safety concerns arise in the future.</p> <p>Additionally, DFO recommends the proponent to establish a continuous monitoring station on Patch and Windy Lakes once water withdrawal commences like the monitoring occurs at the station located on Doris Lake. DFO believes that the establishment of continuous monitoring stations on Patch and Windy Lakes could mitigate the potential challenges of under ice monitoring with safety concerns associated with thin ice. This data could also be of benefit to provide information for the assessment of the anticipated impacts associated with increased water withdrawal.</p> <p>Finally, while the Proponent states manual stream flow measurements will be made annually across the open water periods (both high and low flow periods), DFO remains concerned with the proposed level of monitoring knowing that there is an expected delay in timing of and the reduced open water period as a result of the associated changes in water withdrawal (i.e., 20% reduction in open water period in Doris Creek). As such, DFO requests that more intensive monitoring be conducted for Doris Creek in the spring to verify the modelled impacts and confirm that the delay in open water does not exceed what will be authorized in this amendment process and within DFO's internal review as part of the projects <i>Fisheries Act</i> Authorization process.</p>
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Review Comment #	DFO-TRC-04
Subject / Topic	Request for Blast Vibration Monitoring Plan
References	<ul style="list-style-type: none"> <li>• Agnico Eagle Mines Limited WL Amendment Application App 6-D Explosives Management Plan and App 6-L Quarry Management Plan</li> <li>• Guidelines for the Use of Explosives In or Near Canadian Fisheries Waters (Wright and Hopky, 1998)</li> <li>• Monitoring Explosive-Based Winter Seismic Exploration in Waterbodies, NWT 200-2002 (Cott and Hanna, 2005)</li> </ul>
Comment / Request	Blasting exceeding peak particle velocities of 13 mm/s or instantaneous overpressures of 50 Kpa (DFO guidelines; Wright and Hopky, 1998 and Cott and Hanna, 2005) in aquatic environments can cause harm to fish by rupturing the swim bladder, damaging other internal organs, and harming incubating eggs. The use of explosives can also result in physical and/or chemical alterations to fish habitat. As such, it is common practice for mining operations in the north to



	<p>provide a blasting plan associated with blasting activities in proximity to fish habitat.</p> <p>Following DFO IR-06, DFO reiterates their request that the Proponent should provide a blast monitoring plan detailing the methods of monitoring in or near water to ensure compliance with DFO guidelines. While the Proponent states that monitoring will take place and DFO guidelines will be followed, a plan outlining how monitoring will be conducted, how exceedances in DFO guidelines will be responded to, and how reporting of this information will occur has not been provided.</p> <p>While DFO acknowledges that the major blasting taking place at the mine site will be underground, a detailed monitoring plan should still be provided for both underground and blasting associated with the quarries due to the mine's proximity to multiple fish bearing water bodies.</p> <p>DFO retains its position that a detailed blast monitoring plan should be provided for this project, for all blasting activities taking place near fish bearing waters.</p>
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Review Comment #	DFO-TRC-05
<b>Subject / Topic</b>	DFO Offsetting Requirement
<b>References</b>	<ul style="list-style-type: none"> <li>• Agnico Eagle Mines Limited WL Amendment Application App 6-Q Conceptual Offsetting Plan</li> <li>• Policy for Applying Measures to Offset Harmful Impacts to Fish And Fish Habitat (DFO, 2025)</li> <li>• Guidelines for Developing a Plan for Applying Measures to Offset Harmful Impacts to Fish and Fish Habitat (DFO, 2026)</li> </ul>
<b>Comment / Request</b>	<p>DFO reiterates its previous comments (DFO IR-01 and IR-02) to clarify the Department's regulatory process and expectations under the Fisheries Act. Where a project is likely to result in the death of fish and/or the harmful alteration, disruption or destruction of fish habitat, the proponent is required to obtain an authorization under paragraphs 34.4(2)(b) and 35(2)(b) of the Fisheries Act. In accordance with the Authorizations Concerning Fish and Fish Habitat Protection Regulations, such an application must include, among other requirements, a detailed offsetting plan that meets the requirements set out in Schedule 1 of the Regulations.</p> <p>At this time, Appendix 6-Q (Conceptual Offsetting Plan) remains conceptual in nature and has not been reviewed or approved by DFO as part of an application for a Fisheries Act authorization. A comprehensive review of the project, including any proposed offsetting measures, will be undertaken once a complete application has been submitted.</p> <p>DFO notes that, consistent with the Policy for Applying Measures to Offset Harmful Impacts to Fish and Fish Habitat, offsetting measures must be designed to fully counterbalance residual harmful impacts to fish and fish habitat. This includes accounting for:</p> <ul style="list-style-type: none"> <li>• the harmful impacts themselves;</li> </ul>



	<ul style="list-style-type: none"><li>• any losses associated with temporal lags between the occurrence of impacts and the point at which offsetting measures become fully functional; and</li><li>• uncertainties related to impact prediction and offsetting effectiveness.</li></ul> <p>The objective is to ensure that losses of fish and fish habitat are effectively replaced, resulting in no net loss of fish habitat productivity. Furthermore, offsetting measures must generate benefits that persist to counterbalance project impacts. Offsetting measures are expected to be permanent and self-sustaining. Offsetting plans should also demonstrate how measures will remain effective over the long term, including consideration of reasonably predictable effects of climate change (e.g., increased frequency of extreme weather events, permafrost degradation, and changes in hydrology and water temperature).</p> <p>With respect to the proposed offsetting approach at the road crossing (i.e., modification of the existing culverts), DFO is not satisfied that this measure will provide a long-term, self-sustaining solution. The site is subject to frequent washouts and ongoing instability, resulting in chronic sedimentation and impaired fish passage. The proposed approach does not address the underlying causes of these issues and is therefore unlikely to reliably restore and maintain fish passage, stabilize the site, or prevent ongoing sediment inputs. As such, it would not be expected to adequately offset the anticipated harmful impacts from the proposed increased water withdrawal.</p> <p>DFO is seeking a durable, long-term solution that restores and maintains fish passage, stabilizes the crossing, and eliminates chronic sediment inputs. The proponent should evaluate alternative crossing designs, including clear span bridge options, which are more likely to achieve these outcomes and meet offsetting policy requirements.</p> <p>DFO also reminds the proponent that the consideration of issuance of a Fisheries Act authorization constitutes Crown conduct and triggers the Crown's duty to consult Indigenous groups whose asserted or established rights may be adversely affected. Consultation will be undertaken by DFO as part of the authorization review process.</p> <p>In summary, the current conceptual offsetting proposal is not sufficient to demonstrate compliance with the Fisheries Act, the Regulations, and DFO's Offsetting Policy. A revised approach that meets these requirements will be necessary should the proponent pursue an authorization.</p>
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