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FISHERIES AND OCEANS CANADA

Final Submission – Public Hearing

Agnico Eagle Mines Limited Doris-Madrid (Hope Bay) – **Type A Water Licence Amendment Application**

Submitted to: **Nunavut Water Board**

October 15-16, 2026

File No.: 2AM-DOH1335
DFO file: 12-HCAA-CA7-00012, 22-HCAA-02496

Canada

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Executive Summary
Agnico Eagle Mines Limited (the Proponent) submitted a Type A Water Licence Renewal Application for the Doris-Madrid (Hope Bay) Mine (2AM-DOH1335) to the Nunavut Water Board on January 30, 2026. The mandate of Fisheries and Oceans Canada's Fish and Fish Habitat Protection Program (DFO) is to protect all fish and fish habitat. DFO conducted the review of the Water Licence Renewal Application to ensure that works, activities and undertakings are conducted in such a way that the proponents are in compliance with the applicable provisions of the *Fisheries Act*, and whether the information provided was sufficient to make such a determination. DFO's technical comments focus on the impacts of increased water withdrawal on Doris Lake, Windy Lake, Patch Lake, and downstream waterbodies, blast monitoring, and offsetting.

Aulapkaiyiinut Nainaaqhimayuq Titiraq
Agnico Eagle Uyaraqtarvik Havaanga (Ikayuqtiuyuq) tuyuqtut Qanurinia A Imakkut Laisinik Nutaanguqtiirnikkut Uuktuutinik haffumunga Doris-Madrid (Kapihiliktuk) Uyarakhiuqtit (2UBLAAMI-DOH1335) hapkununga Nunavunmi Imaliqiyit Katimayiinun uvani Ubluqtuhivia 30, 2026. Iqalukhiurnikkut Taryuliqinikkullu Kanatami Iqalungnik Iqalut Nayuqpaktangit Hapumminikkut Pinahuaruti (DFO) munariniqaqtut hapumminikkut tamainnik iqalungnik nunagiyainniglu. DFO ihivriuqtaat Imakkut Laisit Nutaanguqtirnikkut Uuktuutit piyaangini taapkua havaakhat, hulidjutit, havaakhallu havaktauyut malikhugit Iqalukhiurnikkut Maligat uvvalu piqariakhainik kangiqhidjutinik ihumaliurutinun. Nutaaniqhanik uqauhiriyait takupkaiyut qanuq amigaiqpaaliriagani imaq akturniqarniarmangaat Doris Tahiq, Windy Tahiq, Patch Tahiq, ahiinilu kuungmi imarmi, qagaqtauninginiglu amiridjutinik ahiaguqpallianinginiglu.

Résumé
Agnico Eagle Mines Limited (le promoteur) a présenté une demande de renouvellement de permis d'utilisation des eaux de type A pour la mine Doris-Madrid (Hope Bay) (2AM-DOH1335) à l'Office des eaux du Nunavut le 30 janvier 2026. Le mandat du Programme de protection du poisson et de son habitat de Pêches et Océans Canada (MPO) est de protéger tous les poissons et leur habitat. Le MPO a examiné la demande de renouvellement du permis d'utilisation des eaux pour s'assurer que les ouvrages, entreprises et activités sont menés de manière à ce que les promoteurs se conforment aux dispositions applicables de la *Loi sur les pêches*, et si les renseignements fournis étaient suffisants pour en arriver à une telle conclusion. Les commentaires techniques du MPO portent sur les répercussions de l'augmentation des prélèvements d'eau sur le lac Doris, le lac Windy, le lac Patch et les plans d'eau en aval, la surveillance des explosions et la compensation.

1 Introduction

The Nunavut Water Board (NWB) invited parties to submit final written submissions concerning Agnico Eagle Mines Limited (AEM) Application for a Type A Water Licence for the Doris-Madrid (Hope Bay) Mine (the Project) (2AM-DOH133) by September 10, 2026. This submission summarizes Fisheries and Oceans Canada Fish and Fish Habitat Protection Program's (DFO) comments and recommendations submitted

throughout the amendment process based on DFO's departmental mandate under the *Fisheries Act*, specifically the management and protection of fish and their habitat in Canadian waters.

Specifically, this submission focuses on information provided in the Proponent's water licence amendment Application, the Proponent's July 3, 2026 responses to Technical Review Comments, the commitments generated during the Technical Meeting on July 16-17, 2026, and the Proponent's Amended License Draft. The purpose of this submission is to provide DFO's advice to the NWB regarding the adequacy of the provided information and to identify potential impacts to fish and fish habitat associated with the project. DFO's comments DFO-01 to 05 were raised during the technical review process and were resolved through formal commitments by the Applicant or will be resolved through DFO's *Fisheries Act* Authorization process. They are included in this submission to clarify how DFO's comments were resolved and for the purpose of record keeping. One additional comment is provided below (DFO-06) on the Draft License submitted to parties for review on July 31, 2026.

2 Mandate, Relevant Legislation and Policy

Fisheries and Oceans Canada's Fish and Fish Habitat Protection Program (DFO) is dedicated to conserving, protecting and restoring fish and fish habitat for future generations in a way that respects Indigenous rights and supports sustainable development. This contributes to the broader DFO mandate of ensuring that Canada's oceans and other aquatic ecosystems are protected from negative impacts to ensure healthy biodiversity, prevent the spread of invasive species, protect species at risk and promote sustainable fisheries. FFHPP protects and conserves fish and fish habitat by administering and promoting compliance with the *Fisheries Act*, the *Species at Risk Act*, and associated regulations, including:

a. the fish and fish habitat protection provisions of the *Fisheries Act*;
b. the *Species at Risk Act*, including prohibitions against:
    i. killing, harming, harassing, capturing, or taking listed aquatic species at risk;
    ii. damaging or destroying their residences; and
    iii. destroying their critical habitat; and
c. the *Aquatic Invasive Species Regulations*, including prohibitions on the introduction and spread of aquatic invasive species.

3 Final Submission

3.1 New Comment – Draft License

Review Comment Number	**DFO-06**
Subject/Topic	Draft Water License – Part E Withdrawal Volumes

References	• Amended License Draft for Review, Part E: Conditions Applying to Water Use and Management
Comment / Request	The draft license provided by the Proponent removes set volumes for each lake and includes only the total volume permitted for all three lakes combined (i.e., 2,916,855 m^3/year). This number does not reflect volumes that adhere to DFO guidance nor protection of fish and fish habitat. DFO recommends that the License retain the specific volumes to be withdrawn from each lake (i.e., 2,637,125 m^3/year from Doris, 59,860 m^3/year from Patch, 159,870 m^3/year from Windy Lake, and 60,000 m^3/year from proximal sources) within Part E. 1. Inclusion of these values ensures that the License clearly reflects that which has been proposed for withdrawal volumes of each lake to ensure DFO guidelines are followed, and fish and fish habitat are protected.

3.2 Resolved Comments

The following table includes the resolved DFO technical comments TRC-01 through TRC-05, Agnico Eagle's response, and the details of the resolution.

Review Comment Number	**DFO-TRC-01**
Subject/Topic	Response Framework / Action Levels for Water Quantity
References	• Agnico Eagle Mines Limited WL Amendment Main Application Document and Appendix 6-A Aquatic Effects Monitoring Plan • DFO Protocol for Winter Water Withdrawal from Ice-covered Waterbodies in the Northwest Territories and Nunavut (DFO, 2010) • Framework for Assessing the Ecological Flow Requirements to Support Fisheries in Canada (DFO, 2013)
Comment / Request	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.

	As such, DFO reiterated the comment presented in DFO IR-04 and requested that the Proponent provide an updated AEMP that includes a response framework for hydrological parameters similar to that of water quality. DFO acknowledged 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 held 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. 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. DFO requested 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.
AEM Response	The AEMP will be updated to include action levels (Low, Medium, and High) for water quantity thresholds for waterbodies where water withdrawals are proposed for the Operational Update (Patch, Windy, Doris). The Water Quantity Response Framework will follow similar structure as the current Water Quality Response Framework whereby monitoring data would be used to determine whether a Low Action Level Response is triggered. Additional monitoring outlined in DFO-TRC-03 may be implemented to support the Response Framework. The Low Action Level Response Plan will be largely investigative and will include some of the contingencies proposed above by DFO to improve the mitigation or avoidance of a Mine-Related effect on water quantity. Confirmation of a Mine-Related Low Action Trigger would then initiate the development of medium and high-level Action level Response Plans within the AEMP.

	If an action level exceedance is observed, a Response Plan will be prepared and submitted to the NWB. The Plan is a living document and may be updated based on regulatory changes, Mine-related changes, or changes to existing mitigation measures, with updates submitted to the NWB, DFO and other parties.
Resolution	Resolved with Commitment WLA-10: Agnico Eagle will update the AEMP to include action levels (Low, Medium, and High) for water quantity thresholds for waterbodies where water withdrawals are proposed for the Operational Update (Patch, Windy, Doris).

Review Comment Number	**DFO-TRC-02**
Subject/Topic	Additional Hydrology Modelling and Water Withdrawal Information Required for Review
References	• Agnico Eagle Mines Limited WL Amendment Application Main Application Document and App 6-Q Conceptual Offsetting Plan
Comment / Request	DFO cannot complete a thorough review of the proposed amendment until additional hydrology information and modelling data have been provided. 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. Additionally, DFO requires further information regarding the 60,000 m^3/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^3/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. 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 *Fisheries Act* 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.
AEM Response	Agnico Eagle completed water balance and hydraulic modelling for the freshwater withdrawal source lakes (Doris, Patch, and Windy) to assess potential effects on fish and fish habitat within each waterbody and its respective outflow. The supporting information is provided in Appendix 4-C and Appendix 6-Q of the Water Licence Amendment Application. As noted in this technical review comment, where updated water balance and/or hydraulic modelling results were not yet available, estimates of fish habitat loss from the 2017 Madrid-Boston FEIS were used as a surrogate. This approach provided a preliminary and conservative indication of potential fish habitat losses pending completion of the updated modelling. Table 3.1 of Appendix 6-Q provides a qualitative comparison of anticipated residual effects requiring offsetting for the Operational Update relative to the 2017 Madrid-Boston FEIS assessment. This comparison is based on the modelled effects for Doris, Patch, and Windy lakes. For locations in the Conceptual Fisheries Offsetting Plan where FEIS-based fish-habitat loss estimates were used as a surrogate, Agnico Eagle anticipates that the estimated losses will decrease once hydraulic modelling is completed, with the exception of Little Roberts Outflow. Agnico Eagle will continue to advance the Conceptual Fisheries Offsetting Plan toward finalization and will provide the updated assessment to DFO through the anticipated Request for Review and Fisheries Act Authorization application process. In response to DFO's second request regarding water withdrawals from proximal sources, Agnico Eagle refers to the written response to CIRNAC-TRC-07. In summary, winter ice road construction and the use of proximal sources to construct these roads was added to the Licence during the 2018 Water Licence Amendment. Agnico Eagle will continue to follow the DFO Protocol of Winter Withdrawal from Ice-Covered Waterbodies in the

	Northwest Territories and Nunavut, which includes submitting the required information to DFO for review and concurrence prior to program commencement. In addition, water use is reported on annually, per the Licence conditions
Resolution	*Part One:* Agnico Eagle to provide additional hydrology modelling described above in their *Fisheries Act* Authorization Application submission to DFO. *Part Two:* Resolved with Commitment WLA-17: Should a proximal source be used, Agnico Eagle will include within the annual report 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 reporting of the monthly and annual volumes.

Review Comment Number	**DFO-TRC-03**
Subject/Topic	Freshwater Withdrawal Monitoring
References	• Agnico Eagle Mines Limited WL Amendment Main Application Document and Appendix 6-A Aquatic Effects Monitoring Plan • Agnico Eagle Mines Hope Bay 2025 Annual Report Appendix C5 AEMP Report
Summary	DFO requests additional information regarding the monitoring of impacts associated with the proposed increased freshwater withdrawal. 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 listed lakes should be sampled due to potential effects from drawdown or water withdrawal impacts following the current AEMP. 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. 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. 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 *Fisheries Act* Authorization process
AEM Response	Agnico Eagle recognizes the importance of carrying out the AEMP annually as outlined in the approved management plan during the Operations phase. However, Agnico Eagle notes that the mine was in Care and Maintenance when the winter monitoring parameters (ice thickness and/or under-ice water level measurements) could not be collected, and these events are not reflective of the current application. Agnico Eagle reiterates that the modelled reduction in under-ice lake volume for Windy and Patch Lake in May with the Operational Update are -1.8% and -0.2%, respectively (Appendix 4-C of the Water Licence Amendment application). However, the feasibility of establishing

	continuous monitoring stations on Patch and Windy lakes in coordination with water withdrawal activities will be evaluated through updates to the AEMP. An assessment of feasibility may be included as a special appendix to the AEMP annual report. Agnico Eagle notes that the establishment of effective continuous monitoring stations is dependent on bank and near-shore bathymetric characteristics. Regarding DFO's suggestion for more intensive monitoring to be conducted on Doris Creek to verify modelled impacts (i.e. effects on the timing in open-water season), Agnico Eagle believes the existing monitoring through the AEMP to be suitable to validate predicted effects. This is because lake levels are monitored continuously in Doris Lake, and the outflow is monitored frequently approaching freshet to inform the start of the AEMP freshet monitoring.
Resolution	Resolved with Commitment WLA-18: Agnico Eagle will install continuous monitoring stations on Patch and Windy lakes in coordination with water withdrawal activities and will be evaluated through updates to the AEMP.

Review Comment Number	**DFO-TRC-04**
Subject/Topic	Request for Blast Vibration Monitoring Plan
References	• Agnico Eagle Mines Limited WL Amendment Application App 6-D Explosives Management Plan and App 6-L Quarry Management Plan • Guidelines for the Use of Explosives In or Near Canadian Fisheries Waters (Wright and Hopky, 1998) • Monitoring Explosive-Based Winter Seismic Exploration in Waterbodies, NWT 200-2002 (Cott and Hanna, 2005)
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 provide a blasting plan associated with blasting activities in proximity to fish habitat.

	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. 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. 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.
AEM Response	As noted in response to DFO-IR-06, Agnico Eagle follows the applicable blasting protocols in place for the project, which include DFO guidelines DFO guidelines for blasting and mitigations for fish habitat, a record of compliance data are maintained, and a summary is provided through the Annual Reports. Starting with the 2026 Annual Report, Agnico Eagle will provide a Blast Monitoring Report as an appendix to the NWB and NIRB Annual Reports. The report will be in accordance with NIRB Project Certificate No.003 Condition 29, and NIRB Project Certificate No.009 Condition 14. The purpose of the report will be to: • Confirm compliance with The Guidelines for the Use of Explosives In or Near Canadian Waters (Wright and Hopky, 1998) as modified by the Department of Fisheries and Oceans Canada (DFO) for use in the North, and adhere to guidance provided in Monitoring Explosive Based Winter Seismic Exploration in Waterbodies (Cott and Hanna, 2005). • Document monitoring methods and results to evaluate blast related peak particle velocity (PPV). • Document monitoring methods and results to evaluate instantaneous pressure change (IPC) to protect nearby fish bearing waters. • Document monitoring locations.

	• Document number of surface and/or underground blasts relative to PPV and IPC. Report structure will be similar to that prepared for Meliadine and Meadowbank Complex mines with an introduction, methods (monitoring instruments, locations), and results (PPV, IPC by location, number of blasts in calendar year).
Resolution	Resolved with Commitment WLA-11: Agnico Eagle will provide a Blast Monitoring Report as an appendix to the full annual report. The report will be in accordance with NIRB Project Certificate No.003 Condition 29, and NIRB Project Certificate No.009 Condition 14, confirm compliance with the Guidelines for the Use of Explosives In or Near Canadian Waters (Wright and Hopky, 1998) as modified by DFO for use in the North, and adhere to guidance provided in Monitoring Explosive Based Winter Seismic Exploration in Waterbodies (Cott and Hanna, 2005), specifically adherence to the lower instantaneous pressure change threshold of 50 kPA. The first Blast Monitoring Report will be provided with the 2026 Annual Report, and will continue annually thereafter.

Review Comment Number	**DFO-TRC-05**
Subject/Topic	DFO Offsetting Requirement
References	• Agnico Eagle Mines Limited WL Amendment Application App 6-Q Conceptual Offsetting Plan • Policy for Applying Measures to Offset Harmful Impacts to Fish And Fish Habitat (DFO, 2025) • Guidelines for Developing a Plan for Applying Measures to Offset Harmful Impacts to Fish and Fish Habitat (DFO, 2026)
Comment / Request	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. 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. 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: • the harmful impacts themselves; • any losses associated with temporal lags between the occurrence of impacts and the point at which offsetting measures become fully functional; and • uncertainties related to impact prediction and offsetting effectiveness. 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). 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.

	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. 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. 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.
AEM Response	As noted by DFO, Hope Bay Mine Fisheries Offsetting Plan (Appendix 6-Q of the Water Licence Amendment application) is conceptual in nature and has not been reviewed or approved by DFO as part of an application of a Fisheries Act Authorization. We understand that additional work will be required to support the authorization application process. However, in our view the information provided in the amendment process is sufficient to meet the relevant needs of the Water License amendment. The proposed offsetting measure has been identified and developed with input from DFO, the KitIA, and the Hope Bay Inuit Environmental Advisory Committee (IEAC). These parties were included in engagement on the offsetting plan that has been conducted from 2017 to 2023, with engagement to continue in 2026 (Appendix A of Appendix 6-Q). Additional field programs are being conducted in 2026 to support the development and selection of the design for the culvert modifications, and the end-design will reflect the most appropriate measure to achieve offsetting measures, with durability and long-term maintenance requirements as a consideration.
Resolution	DFO-TRC-05 will be resolved through the DFO *Fisheries Act* Authorization process which is outside of the scope of the NWB water license amendment process. As such, DFO considers this comment resolved.