



Fisheries and Oceans
Canada

Pêches et Océans
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August 29, 2008

Our file Notre référence
NU-02-0117

Chris Hanks
Newmont Mining Corporation
Hope Bay Mining Ltd.
300-889 Harbourside Drive
North Vancouver, British Columbia
V7P 3S1

Dear Mr. Hanks:

SUBJECT: Authorization for the harmful alteration, disruption or destruction of fish habitat pursuant to subsection 35(2) of the *Fisheries Act*

The harmful alteration, disruption or destruction of fish habitat arising from the infilling of fish habitat as a result of jetty construction on the southeast shore of Roberts Bay in the West Kitikmeot Region of Nunavut for the Doris North Gold mine is hereby authorized pursuant to subsection 35(2) of the *Fisheries Act*. This Authorization shall be conditional upon implementation of measures specified in the attached document. The original authorization NU-02-0117 (1) issued to Miramar Hope Bay Limited on June 29, 2007 is hereby rescinded effective the date of issuance of the attached NU-02-0117 (2) *Fisheries Act* Authorization issued to the Hope Bay Mining Ltd. for works and undertakings associated with the Doris North gold mine jetty.

As you may be aware, the *Canadian Environmental Assessment Act* no longer applies in the Nunavut Settlement Area due to the amendment of the Nunavut Land Claims Agreement (NLCA) on May 29, 2008. The amendment to the NLCA results in DFO not needing to reassess the proposed changes to the project proponent and re-scheduling of works and undertakings relative to the original screening that was conducted pursuant to subsection 18(1) of the *Canadian Environmental Assessment Act* (CEAA). However, we have confirmed with the Nunavut Impact Review Board (NIRB) that the change in proponent and minor variation to the scheduling of monitoring requirements in the attached re-issued *Fisheries Act* authorization will not require a re-screening by the NIRB.

Failure to comply with any of the conditions specified on the attached Authorization may result in a contravention of section 35 of the *Fisheries Act*.

NOTE: None of the foregoing should be taken to imply Authorization of this undertaking in accordance with any section of the *Fisheries Act* **other** than section 35. Also note that Authorization under the *Fisheries Act* does not release the proponent from the requirements of any other federal, provincial or municipal legislation.

Please contact Amy Liu at (905) 639-0122 or by fax at (905) 639-3549 should you have any questions or require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith Pelley". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

For:
Keith Pelley
Acting Area Director
Eastern Arctic Area
Fisheries and Oceans Canada

Copy: Lana Shipley – Lawson Lundell LLP Barristers & Solicitors
Phyllis Beaulieu – Nunavut Water Board
Leslie Payette – Nunavut Impact Review Board
Doug Soloway – Transport Canada
Kevin Buck – Indian and Northern Affairs Canada