



February 22, 2011

DFO File 03-HCAA-CA7-00191

DFO Authorization NU-03-0191.02

NIRB File 03MN107

NIRB Project Certificate No. 004

Agnico-Eagle Mines Ltd.
Meadowbank Division
Attn: Stéphane Robert
#375, 555 Burnard Street
Two Bentall Centre
Vancouver, British Columbia
V7X 1M8

Dear Mr. Robert

Subject: *Fisheries Act Authorization*

Pursuant to Section 32 of the *Fisheries Act*, Fisheries and Oceans Canada is providing the attached *Fisheries Act Authorization* for the destruction of fish by means other than fishing during the dewatering of the Bay Goose impoundment area on Third Portage Lake.

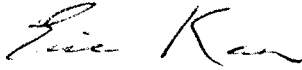
Failure to comply with all the conditions of the attached Authorization may lead to prosecution under the *Fisheries Act*.

An environmental assessment was conducted in accordance with the *Canadian Environmental Assessment Act* and the *Nunavut Land Claims Agreement* (Article 12) in 2006. This review concluded that the project is not likely to cause significant adverse environmental effects if the mitigation and compensation measures taken into consideration during the environmental assessment are implemented. On December 30, 2006 the Nunavut Impact Review Board (NIRB) issued a Project Certificate (No. 004) for the Meadowbank Mine Project that included terms and conditions for the Proponent to follow and fulfill. Project Certificate condition numbers 3 and 49 relate to this authorization.

Please notify this office at least 14 days before starting the work, undertaking, operation or activity. A copy of this Authorization should be kept on site while the work is in progress.

If you or anyone conducting work on your behalf has any questions please contact Bobby Bedingfield at 403-292-8675 or by email at Robert.Bedingfield@dfo-mpo.gc.ca

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Kan". The signature is fluid and cursive, with the first name "Eric" and the last name "Kan" clearly distinguishable.

Eric Kan
Director, Eastern Arctic Area
Central & Arctic Region
Fisheries and Oceans Canada

Attachment: NU-03-0191-02 *Fisheries Act* (Sec 32) Authorization

cc. Derrick Moggy, Fisheries and Oceans Canada
Richard Dwyer, Nunavut Water Board
Ryan Barry, Nunavut Impact Review Board



FISHERIES ACT AUTHORIZATION

Authorization issued to:

Agnico-Eagle Mines Ltd.
Meadowbank Division *(hereafter referred to as the "Proponent")*
#375 555 Burrard Street
Two Bentall Centre
Vancouver, British Columbia
V7X 1M8

Location of Proposed Development

Nearest community: 80 kilometres north of the Town of Bake Lake

Municipality, district, township, county: Kivalliq region of Nunavut

Province/Territory: Nunavut

Name of waterbody: Third Portage Lake

Longitude and latitude, UTM Coordinates Legal Land Location:
Latitude 65°00'51" North Longitude 96°05'33" West

Valid Authorization Period for Impacts to Fish

The valid period of this Authorization the destruction of fish pursuant to section 32 of the *Fisheries Act* includes:

| | |
|-------------|---------------|
| From | To |
| Date Issued | July 31, 2012 |

The valid authorization periods for other conditions of this Authorization are set out below as **Conditions of Authorization.**

Description of Proposed Development

The proposed development impacting on fish involves:

The de-watering of the impounded area contained within the Bay-Goose dyke structure on the east basin of Third Portage Lake. The destruction of fish by means other than fishing pertains to the fish that are remaining within the impoundment area during the de-watering. A thorough fish out program has previously been performed on the area enclosed by the Bay-Goose dyke to remove as many fish as possible prior to the de-watering activities. The dewatering is scheduled to commence in April 2011 and will end prior to December 31, 2011.

Description of Authorized Impacts to Fish

Authorized impacts to fish resulting from the works, undertakings, operations or activities associated with the proposed development described above include the destruction of fish by means other than fishing within the Bay-Goose dyke structure on the east basin of Third Portage Lake.

Conditions of Authorization

1.0 Conditions that relate to the Proponent's Plan:

- 1.1 The conditions of this Authorization notwithstanding, should the above authorized impacts to fish in the opinion of the Fisheries and Oceans Canada (DFO) be greater than previously assessed, then DFO may suspend any works, undertakings, activities and/or operations associated with the proposed development, to avoid or mitigate adverse impacts to fish. DFO may also direct the Proponent and its agents, and contractors, to carry out at the Proponent's expense any modifications, works or activities deemed necessary by DFO to avoid or mitigate further adverse impacts to fish. In circumstances where DFO is of the view that greater impacts may occur than were contemplated by the parties DFO may also modify or rescind this Authorization. If the Authorization is to be changed the Proponent will be given an opportunity to discuss any proposed modifications or rescission.
- 1.2 The Proponent confirms that all plans and specifications relating to this Authorization have been duly prepared and reviewed by appropriate professionals working on behalf of the Proponent and acknowledges that they are solely responsible for all design, safety and workmanship aspects of all the works associated with this Authorization.
- 1.3 The works, undertakings, activities and operations must comply with the means and conditions as identified within this Authorization. Impacts to fish other than that specifically identified within this Authorization are not permitted.
- 1.4 Works will be conducted following the practices outlined in the following reports:

- 1.4.1 Technical Memorandum from Ryan Hill and Gary Mann, Azimuth Consulting Group Inc., titled *Fish-Out Program for the Meadowbank Gold Project*, dated May 30, 2008;
- 1.4.2 Written correspondence, titled *AEM Meadowbank Gold Project, Updated Water Management Plan*, dated July 2009;
- 1.4.3 Written correspondence, titled *Meadowbank Gold Project, Fish-Out Program, Version 2*, June 2010;
- 1.4.4 Email correspondence from Stéphane Robert to Eric Kan, subject Meadowbank Bay-Goose Fish out, dated August 9, 2010 with attachment *Daily Fish out Report 090810.pdf*;
- 1.4.5 Email correspondence from Stéphane Robert to Eric Kan, subject *Transition to Final Removal and Meadowbank Bay Goose Fish out Aug 28 2010 Report*, dated August 28, 2010 with attachments titled *Meadowbank CPUE 280810.xls* and *Meadowbank Daily Fish out Protocol 280810.pdf*;
- 1.4.6 Email correspondence from Stéphane Robert to Eric Kan, subject Meadowbank Daily Report dated September 10, 2010 with attachment *Fish out Report 090910.pdf*;
- 1.4.7 Email correspondence from Stéphane Robert to Eric Kan, subject *Sept 23 Final Removal Report*, dated September 24, 2010 with attachment titled *Fish out Report 230910 Final Removal Report.pdf*;
- 1.4.8 Email correspondence from Stéphane Robert to Derrick Moggy subject *Meadowbank Daily fish report* dated October 6 2010 with attachment *Fish out Report 041010 final removal.pdf*;
- 1.4.8 Written correspondence from Stéphane Robert and Ryan Vanengen, Agnico-Eagle, Meadowbank Division, titled *Meadowbank – Application for Section 32 Authorization for the Bay Goose Area*, dated November 15, 2010;

2.0 Conditions that relate to monitoring and reporting of Authorization conditions:

- 2.1 A monitoring report shall be submitted to DFO identifying the number of fish observed within the Bay-Goose impoundment area during the de-watering activities. Where possible, the report shall indicate the species of fish and approximate length of each fish observed.
- 2.2 The monitoring report shall be submitted to DFO Iqaluit Office by Jan 31, 2012, referencing Authorization # NU-03-0191.

Authorization Limitations and Application Conditions

The holder of this Authorization is hereby authorized under the authority of section 32 of the *Fisheries Act*, R.S.C., 1985, c.F. 14 to carry out the works, undertakings, activities and/or operations as described herein. This Authorization is valid only with respect to fish and for no other purposes. It does not purport to release the applicant from any obligation to obtain permission from or to comply with the requirements of any other regulatory agencies.

This Authorization does not permit the deposit of a deleterious substance in water frequented by fish. Subsection 36(3) of the *Fisheries Act* prohibits the deposit of any deleterious substances into waters frequented by fish except under conditions that can only be authorized by regulations made by Governor in Council.

At the date of issuance of this Authorization, no aquatic SARA listed species were identified. In the event that a SARA listed species is identified or an aquatic species becomes listed under SARA, this authorization does not permit harm, harassment or killing of any species at risk. (SARA section 32), the damage or destruction of residence (SARA section 33) or the destruction of critical habitat (SARA section 58)

Failure to comply with any condition of this Authorization may result in charges being laid under the *Fisheries Act*.

This Authorization should be held on site and work crews should be made familiar with the conditions attached.

The Proponent shall advise DFO in advance if the ownership or responsibility for the conditions of this Authorization changes.

Date of Issuance:

February 22, 2011

Approved by:



Barry Briscoe
Regional Director
Fisheries and Oceans
Central & Arctic Region
