



Fisheries
and Oceans

Pêches
et Océans

Fish Habitat Management
P.O. Box 358
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September 05, 2003

Stephanie Briscoe
Executive Director
Nunavut Impact Review Board
PO Box 2379
Cambridge Bay, NU X0E 0C0

RE: Environmental Assessment of the Meadowbank Gold Project

Dear Ms. Briscoe:

Fisheries and Oceans Canada (DFO) is please to have the opportunity to comment on the determination of how the environmental assessment of the Meadowbank Gold Project, as proposed by Cumberland Resources Ltd, shall proceed. On behalf of DFO, I offer the following comments for your consideration.

The project description and supporting documents have been reviewed taking into consideration the habitat provisions of the *Fisheries Act* and the provisions of the *Navigable Waters Protection Act* (NWPA). DFO has determined that there is a potential for this project to cause adverse environmental impacts.

The Meadowbank Project is a large gold mine development that is proposing extensive underground and open pit mining, including the use of water retention dykes to allow for open pit mining beneath two lakes. DFO's concerns under the *Fisheries Act* include losses of fish habitat due to dewatering areas of Second Portage and Third Portage Lakes for mining and tailings disposal, as well as from construction of a docking facility in Baker Lake. The harmful alteration, disruption, or destruction of fish habitat is prohibited under Section 35 of the *Fisheries Act* unless authorized by DFO. Issuance of a *Fisheries Act* Authorization is a trigger for an environmental assessment under the *Canadian Environmental Assessment Act* (CEAA).

Construction of a 7 km, two-lane all season haul road to connect the Vault Deposit with the main mining facilities will necessitate crossing at least three lakes. These lake crossings will require permits under the *Navigable Waters Protection Act* and possibly authorizations under the *Fisheries Act*.

Changes in fish habitat quality due to the release of effluents from dewatering of pits, mine-process water and tailings, as well as sediment releases resulting from construction, are also of concern to DFO. Pursuant to Section 36(3) of the *Fisheries Act*, it is unlawful to deposit any deleterious substance, including sediment, into waters frequented by fish.

DFO believes a review of the Meadowbank Gold Project under section 12.4.4 (b) of the Nunavut Land Claims Agreement (involving a review under Part 5 or 6) would be appropriate. In order to fully assess the potential impacts to fish and fish habitat and the public right to navigation that may be affected by the works in question, additional information will be required.

DFO contacted all potentially involved federal departments to comply with the *Regulations Respecting the Co-ordination by Federal Authorities of Environmental Assessment Procedures and Requirements* (Federal Co-ordination Regulations) with respect to the Meadowbank Gold Project. Natural Resources Canada determined they will be a federal department responsible for granting approvals for this project. Indian and Northern Affairs Canada is seeking additional information from the proponent in order to determine if it will be responsible for providing project authorization. Environment Canada, Health Canada, Transport Canada and Parks Canada determined they can provide specialist advice to the NIRB concerning the sections of the project that are relevant to their respective departmental mandate.

The responsible authorities and the Canadian Environmental Assessment Agency would welcome dialogue with the NIRB to explore opportunities for coordination and co-operation should a Part 5 review by the NIRB or a Part 6 review by a federal panel be required.

DFO looks forward to participating in the environmental assessment of this project in co-operation with NIRB, the proponent and all other stakeholders. If you have any questions or comments with regards to any of the aforementioned issues, please do not hesitate to contact me at (867) 979-8007 or by email at critchs@dfo-mpo.gc.ca.

Sincerely,

Stephanie Critch
Habitat Biologist
Fisheries and Oceans Canada
Eastern Arctic Area

cc: Barry Putt – Canadian Coast Guard/Navigable Waters, DFO
Jeff Stein – Habitat Management, DFO
Debra Myles – Canadian Environmental Assessment Agency