



NIRB File No.: 03MN107
NIRB File No.: 16MN056
DFO File No. 16-HCAA-00370

November 7, 2018

Sally Wong
Fisheries Protection Biologist
Fisheries and Oceans Canada
5204 50th Ave. Suite 301
Yellowknife, NT X1A 1E2

Sent via email: sally.wong@dfo-mpo.gc.ca

Re: **The Nunavut Impact Review Board's 2017-18 Annual Monitoring Report for the Meadowbank Gold Project and the Whale Tail Pit Project with Board's Recommendations**

Dear Sally Wong:

The Nunavut Impact Review Board (NIRB or Board) issued the enclosed *2017-18 Annual Monitoring Report for Agnico Eagle Mines Ltd.'s Meadowbank Gold Project (NIRB File No. 03MN107) and the Whale Tail Pit Project (NIRB File No. 16MN056)* [Monitoring Report] to Agnico Eagle Mines Ltd. (Agnico Eagle) under a separate cover earlier today. The Monitoring Report is based on the NIRB's monitoring activities as set out within the Meadowbank Gold Mine Project Certificate No. 004, Amendment 2 and the Whale Tail Pit Project Certificate No. 008, pursuant to Sections 12.7.1 and 12.7.2 of the *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada (Nunavut Agreement)* and pursuant to s. 135 of the *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 14, s. 2 (*NuPPAA*).

This report provides findings that resulted from monitoring of the Meadowbank Gold Mine Project from October 2017 to September 2018 and the Whale Tail Pit Project from March 2018 to September 2018.

Based upon the Board's review of the monitoring report and other materials related to the Whale Tail Pit Project, the Board has issued recommendations in order to assist in achieving compliance with the Whale Tail Pit Project Certificate (No. 008). One (1) of the recommendations issued by the Board has been directed to Fisheries and Oceans Canada and will ensure the NIRB has all the information necessary to adequately discharge its mandate with respect to provisions within Section 12.7 of the *Nunavut Agreement* and s. 135 of the *NuPPAA* as they pertain to both the Meadowbank Gold Mine Project and the Whale Tail Pit Project.

RECOMMENDATIONS FOR THE WHALE TAIL PIT PROJECT

All materials pertaining to the NIRB's ongoing Monitoring program for the Whale Tail Pit Project can be accessed online from the NIRB's online public registry at www.nirb.ca/project/124683.

Viability of flooded South Basin as an effective offset for habitat loss – Term and Condition 24

In review of the Whale Tail Fisheries Habitat Offsetting Plan submitted by Agnico Eagle in May 2018, it is not clear if the requirements under Term and Condition 24 of Project Certificate No. 008 have been met. The NIRB would like confirmation from Fisheries and Oceans Canada that the plan as submitted meets the requirements of Term and Condition 24 and whether the concern that the increased surface area of Whale Tail Lake is a viable offset to habitat losses resulting from the development of the Project and whether Whale Tail end pit would support fish in the post closure scenario has been addressed.

Recommendation 4: The Board requests that Fisheries and Oceans Canada (DFO) provide confirmation that the Whale Tail Fisheries Habitat Offsetting Plan as submitted meets the requirements of Term and Condition 24 of Project Certificate No. 008 and whether the increased surface area of Whale Tail Lake is accepted as a viable offset to habitat losses resulting from the development of the Project. The Board further requests that DFO clarify whether previously raised concerns regarding whether Whale Tail end pit would support fish in the post closure scenario have been satisfactorily addressed.

The Board respectfully requests that Fisheries and Oceans Canada provide a response to this recommendation within *30 days* ' receipt of the Board's correspondence to Fisheries and Oceans Canada.

If you have any questions or require further clarification regarding this recommendation in particular or relating to the NIRB's monitoring programs for the Meadowbank Gold Mine Project or the Whale Tail Pit Project, please contact the undersigned directly at (867) 857-4829 or sgranchinho@nirb.ca.

Sincerely,



Sophia Granchinho, M.Sc., EP
Manager, Impact Assessment
Nunavut Impact Review Board

cc: Mark D'Aguiar, Fisheries and Oceans Canada
Marie-Pier Marcil, Agnico Eagle Mines Ltd.
Manon Turmel, Agnico Eagle Mines Ltd.
Robin Allard, Agnico Eagle Mines Ltd.
Martin Archambault, Agnico Eagle Mines Ltd.
Nancy Duquet Harvey, Agnico Eagle Mines Ltd.
Ryan Vanengen, Agnico Eagle Mines Ltd.
Jamie Quesnel, Agnico Eagle Mines Ltd.
Whale Tail Pit Distribution List

Enclosure (1): The Nunavut Impact Review Board's *2017-2018 Annual Monitoring Report for the Meadowbank Gold Project [03MN107] & Whale Tail Pit Project [16MN056]*