



Fisheries and Oceans
Canada

Pêches et Océans
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November 2, 2007

Our file Notre référence
NU-03-0109

Phyllis Beaulieu
Manager of Licensing
Nunavut Water Board
P.O. Box 119
Gjoa Haven, NU X0B 1J0

Dear Ms.Beaulieu:

**Subject: Conformity Review of the Nunavut Water Board Application for a Type
 “A” Water License**

Fisheries and Oceans Canada (DFO) would like to thank the Nunavut Water Board (NWB) for the opportunity to provide comments on the completeness of the Type “A” water license application and supporting documents, submitted by Agnico-Eagle Mines Limited (Agnico-Eagle) for the Meadowbank Gold Mine Project. As outlined in your letter dated June 17, 2005, the intent of the conformity review is to determine the completeness of the application and its concordance with the Board’s Preliminary Guidelines for Applicant Cumberland Resources Ltd. – Meadowbank Project (Guidelines) dated March 14, 2007 and the Nunavut Impact Review Board Project Certificate (NIRB PC No.004) conditions.

DFO has conducted a *preliminary assessment* of Agnico-Eagle’s Type “A” water license application, supporting documents and the NWB guidelines **only** in relation to the department’s mandate under the *Fisheries Act*, for the protection of fish and fish habitat. Because Environment Canada (EC) administers the pollution prevention provisions of the *Fisheries Act*, on behalf of DFO, please refer to EC submission for comments regarding water quality. Our review makes no judgement on the completeness of the application in relation to other federal, territorial or municipal mandates.

We would like to note that the concordance review has been difficult as the applicant has not presented the Type "A" Water License Application in a fluid logical manner and has not properly referenced the combined elements of information. We thank the Board for amending the applicant’s concordance table as it has assisted DFO in its assessment.

In general, DFO has found minor deficiencies in the descriptions relating to the Construction Plans, Fish and Fish Habitat Presence, Potential Environmental Effects and Mitigation Measures to Protect Fish Habitat, and Compensation/Monitoring. We have provided the following comments to assist the NWB in their completeness and concordance review:

- NWB 3.5 (viii) – The construction plans for the intake and effluent discharge pipes, Turn Lake Road crossing and the diversion of Phaser Lake outflow from Vault Lake to Turn Lake have not been provided.
- NWB 3.5 (viii) (b) - The methods of construction section notes that information can be found in the EIA and supporting documents. As the Type A water license is a stand alone document, this information should be included in the NNLP.
- NWB 3.5 (viii) (c) - Detailed site description does not include site photographs;
- NWB section 3.5 (ix) (a) – Detailed area description does not include a photographic record.
- NWB 3.5 (x) (b) – Areas of impact are indicated in hectares and not square metres as requested in the guidelines.
- NWB 3.5 (xi) (b) - Section 6 of the NNLP indicates that a Sampling and Analysis Plan (SAP) will be prepared to outline all monitoring required to meet the conditions of a Fisheries Act authorization. The SAP has not been provided.

DFO would like to bring the Board's attention to two items that would be required for the technical review:

- NIRB PC Condition number 47 and NWB 3.5 (xi) - There is a lack of details on the alternatives, final design and monitoring program associated with the easternmost channel modifications. Agnico-Eagle has indicated that these details will be provided as per NIRB PC Condition number 47. This information is required to allow DFO to complete our review and analysis of activities affecting fish habitat and water quantity in Third Portage and Second Portage Lakes.
- NIRB PC Condition number 46 - There is also a lack of details on the proposed water intake and effluent discharge pipes, specifically siting and detailed design drawings of the intake screens in accordance with DFO guidelines. This information will assist DFO in verifying the impacts to fish and fish habitat at the shoreline and confirming that the DFO guidelines can be met as indicated by the proponent.

We look forward to working with the NWB on the water licensing of the Meadowbank Gold Mine Project. If you have any questions concerning the above, please contact me directly by telephone at (867) 979-8007 or by fax at (867) 979-8039.

Yours sincerely,

Original signed by:

Amy Liu
Habitat Management Biologist
Fisheries and Oceans Canada – Eastern Arctic Area

Attachment: DFO Conformity Review Table for Meadowbank Project

Copy: Keith Pelley – Fisheries and Oceans Canada