



Fisheries and Oceans
Canada

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September 7, 2018

Your file *Votre référence*
2AM-MEA1525

Our file *Notre référence*
03-HCAA-CA07-00191

Nunavut Water Board (NWB)
Attention: Karén Kharatyan
PO Box 119
Gjoa Haven, NU
X0B 1J0

Dear Mr. Kharatyan,

Subject: Proposed modification to allow In-Pit Deposition under Agnico Eagle Mines Limited's Type "A" Water Licence No. 2AM-MEA1525

The Fisheries Protection Program of Fisheries and Oceans Canada (DFO-FPP) would like to thank the Nunavut Water Board (NWB) for the opportunity to review Agnico Eagles Mines Limited's (AEM) responses to our comments dated, August 24, 2018 regarding the proposed modification to allow In-Pit Tailings Deposition under AEM's Type "A" Water Licence No. 2AM-MEA1525 for the Meadowbank Gold Mine Project. As per correspondence on August 31, 2018, the Board requested they be informed directly by all Parties to confirm whether or not concerns were addressed by AEM.

DFO-FPP has reviewed AEM's response in accordance with its mandate to maintain the sustainability and ongoing productivity of commercial, recreational and Aboriginal fisheries.

With respect to DFO-FPP comments #1.2a, #1.2b and # 1.3, DFO-FPP acknowledges that AEM has agreed to our recommendation to continue to work with DFO-FPP in regards to calculation of offsetting and requirements for this proposed project, and in the development of appropriate contingency options (#1.3).

However, DFO-FPP notes that although we acknowledge and are satisfied with Agnico's agreement to continue to work with DFO-FPP, the following are the remaining issues that will require resolution as part of the ongoing discussions between DFO-FPP and AEM:

Habitat Structure and Function

#1.1a. DFO-FPP is uncertain whether 'Habitat 7' will provide viable/suitable habitat once fish are re-introduced, similar to 'Habitat 9', in the absence of a granular cap.

#1.1b. DFO-FPP still uncertain about the details respecting how differences in physical features of the substrate (i.e. tailings vs. coarse granular cover / capping material) impact habitat use; this

is including but not limited to the interaction(s) fish and aquatic life may have with different substrates.

Accounting of Habitat Gains and Losses

#1.2a. DFO still has concerns regarding the accounting of habitat gains and losses, and associated offsetting resulting from any additional *serious harm* from the proposed In-pit Tailings Disposal Modification proposal, or from modifications to the accounting in the existing No Net Loss Plans. As indicated in the Technical Comments, DFO requires that AEM provide an updated accounting for the uncertainty that remains regarding the functionality of new habitat structure (i.e. Habitat Type 7) and the time lags associated with use of the new habitat structure. DFO-FPP also notes that any modifications to the accounting within the existing NNLP require additional consideration by DFO.

#1.2b. DFO still has concerns regarding how the predicted impacts of in-pit storage deposition will diminish over time, especially with the assessment of the magnitude of impacts as they relate to life stages of fish and benthic organisms. In AEM's response to DFO Technical Comments, DFO notes that five out of the seven case studies provided by AEM to illustrate specific lines of evidence of improvement to benthic environment and fish habitat, did not conduct fish/ecological surveys.

Contingency Measures

#1.3 DFO-FPP remains concerned with AEM's assertion that the existing contingency offsetting options presented in AEM's 2012) remain viable. In DFO's Technical Comments, it requested that AEM provides updated contingency offsetting options to address the potential risk that water quality may not be suitable for the reintroduction or establishment of fish at closure.

DFO-FPP looks forward to working with AEM to address these unresolved issues.

If you have any questions, please contact Sally Wong at (867) 669-4934 or by email at Sally.Wong@dfo-mpo.gc.ca. Please refer to the file number referenced above when corresponding with the Program.

Sincerely,



Bev Ross
Regional Manager, Regulatory Reviews
Fisheries and Oceans Canada

Cc: Mark D'Aguiar, DFO
Sally Wong, DFO

