



Fisheries and Oceans  
Canada

Pêches et Océans  
Canada

Central and Arctic Region  
501 University Crescent  
Winnipeg, MB  
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Your file      Votre référence  
2AM-WTP----

Our file      Notre référence  
16-HCAA-00370

October 18, 2017

Karén Kharatyan  
A/Manager of Licensing  
Nunavut Water Board (NWB)  
P.O. Box 119  
Gjoa Haven, NU  
X0B 1J0

Dear Mr. Kharatyan,

**Subject:** 2AM-WTP---- Agnico Eagle Mines Ltd. Proposed Whale Tail Pit Project - Type  
"A" Draft Water Licence and Water Monitoring Reduction Frameworks, and DFO  
Summary of Resolutions for NWB

The Fisheries Protection Program of Fisheries and Oceans Canada (DFO-FPP) has conducted a review of the Draft Type A water licence monitoring and water monitoring reduction frameworks submitted by Agnico Eagle Mines Ltd. (AEM) to the Nunavut Water Board (NWB). DFO-FPP is submitting comments by email as requested by the NWB. In addition, DFO-FPP is submitting the summary of resolutions, as requested by the NWB, which outlines our issues/concerns and how they are resolved for the purposes of the NWB Public Hearing.

#### Draft Type A Water Licence Framework

DFO has no comments at this time regarding the Draft Type A water licence framework. However, DFO notes that AEM will be required to submit the following to DFO as a part of their 'DFO Request for Review' should the project be approved to proceed to the regulatory phase, and the water licence issued:

- Site-specific engineered designs, with the *full suite* of measures that AEM intends to implement to avoid, mitigate or offset serious harm to fish as defined in the *Fisheries Act* as a result of any proposed in-water workings, undertakings or activities below the High Water mark. DFO acknowledges that AEM has committed to '*submit the final design, construction drawings and a detailed report to the NWB for approval at least six (60) days prior to the construction for any in water works. These include water*

*intake and causeway water control structures (dikes, berms, jetties, channels) and water crossings (culverts, bridges).’;*

- The bathymetry, location and fish habitat features within the selected waterbodies used for winter water withdrawal in support of the project activities. This includes, but is not limited to providing DFO-FPP with the calculations used to establish the appropriate amounts of water withdrawal for each waterbody, and an assessment of the potential impacts of the water withdrawal to fish and fish habitat from waterbodies selected for withdrawal.

#### Draft Water Monitoring Reduction Framework

The proposed Water Monitoring Reduction Framework appears to be primarily concerned with securities held by Indigenous and Northern Affairs Canada (INAC), thus DFO-FPP has limited comment. DFO-FPP does note that it also may be premature to review a water monitoring reduction framework and associated criteria during the final decision phase of the environmental assessment process, since the framework is applicable to the post-closure phase of the project.

Although DFO-FPP has no further comments regarding the proposed framework at this time, DFO-FPP would welcome the opportunity to review any future consideration of monitoring reductions that may be proposed at a later date, with respect to our mandate in consideration of fish and fish habitat; noting that opportunities to request reduced monitoring would be available to the proponent upon renewal of the water licence.

Should the project be approved to proceed, DFO-FPP also notes that monitoring and monitoring reporting requirements related to fish and fish habitat will be clearly defined in any *Fisheries Act* authorizations that may be issued for the Whale Tail Pit project. These monitoring requirements will be used to verify predicted impacts to fish and fish habitat, and to determine the effectiveness of measures taken to mitigate and offset serious harm to fish.

#### DFO Summary of Resolutions for NWB Oct 17, 2017

As discussed at the NWB Public Hearing for the Whale Tail Pit Project, Intervenors committed to submit a summary of how their issues and concerns were resolved. Please find attached the summary of resolutions table that outlines how DFO’s recommendations were addressed by AEM.

If you have any questions, please contact Mark D’Aguiar at our Yellowknife office at (867) 669-4911 or by email at [Mark.D’Aguiar@dfo-mpo.gc.ca](mailto:Mark.D’Aguiar@dfo-mpo.gc.ca). Please refer to our file number referenced above when corresponding with the Program.

Sincerely,

A handwritten signature in black ink, appearing to be 'Bev Ross', with a stylized, cursive script.

Bev Ross  
A/Regional Manager, Regulatory Reviews  
Central & Arctic Region, Fisheries and Oceans Canada

ATTACHMENT: DFO Summary of Resolutions

cc: DFO Review Team  
Ryan Vanengen, Amaruq Permitting Lead, Agnico Eagle Mines Ltd.

