



Fisheries and Oceans
Canada

Pêches et Océans
Canada

501 University Crescent
Winnipeg, MB
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November 27, 2015

Your file *Votre référence*

Our file *Notre référence*
11-HCAA-CA7-00014

Agnico Eagle Mines Ltd.
10200 Route de Preissac
Rouyn-Noranda, QC
J0Y 1C0

Dear Stephane Robert:

Subject: Summary of Discussions and Review of Fisheries Screening Assessment and Offsetting Plan – Meliadine Gold Project v. June 2015

This letter is to summarize the items discussed during the meeting between Fisheries and Oceans Canada (DFO) and Agnico Eagle Mines Ltd. (AEM) on November 10, 2015 in DFO's Winnipeg, MB office, as well as to provide AEM with DFO's review of the Fisheries Screening Assessment and Offsetting Plan submitted by AEM.

Summary of Discussion Nov. 10, 2015:

During our meeting, DFO provided clarification to AEM on the Serious Harm definitions as per the *Fisheries Protection Policy Statement* October 2013. Specifically, DFO outlined:

- The definition of **Serious Harm to Fish** being the death of fish or any permanent alteration to, or destruction of, fish habitat.
- The definition of **permanent alteration to fish habitat** being an alteration of fish habitat of a spatial scale, duration and intensity that limits or diminishes the ability of fish to use such habitats as spawning grounds, or as nursery, rearing, or food supply areas, or as a migration corridor, or any other area in order to carry out one or more of their life processes.

DFO also described the four factors in **Section 6**:

- a) The contribution of the relevant fish to the ongoing productivity of commercial, recreational or Aboriginal fisheries
- b) Fisheries management objectives
- c) Whether there are measures and standards to avoid, mitigate or offset serious harm to fish
- d) The public interest

In further detail, DFO clarified that the Minister must consider whether the Proponent has avoided, mitigated or offset serious harm to fish. If avoidance is not possible, impacts are to be minimized to the extent possible, and any residual impacts are to be offset.

Several items regarding AEM's fish and fish habitat assessment were discussed:

-AEM considers the temporal loss of fish habitat use to be mitigated by the ratio of gains vs loss.

-AEM indicated that despite a fisheries weight of 0.02 overall assigned to NNST, an increase in their value reflective of a support function would ultimately not change the outcome of loss vs gain calculations. Golder indicated that the support function of SLSC is 0 as they are predaceous of LKTR eggs. AEM agreed to provide an excel spreadsheet summarizing all the waterbodies & streams affected by the project, the activity affecting the waterbodies & streams, and clearly identify which are connected to a CRA fishery waterbody and which are disconnected.

-With respect to the flow reduction of H1 and H2, AEM indicated that ARGR will avoid these channels due to the reduced flow (no water, no fish) and therefore utilize habitat elsewhere. Due to the fact that ARGR will be unable to utilize this habitat, it is a permanent alteration. However, as very few ARGR were found in these channels (2 fish) this loss is not anticipated to impact the productivity of local ARGR populations.

-AEM clarified that the discrepancy in stomach contents between the Aquatic Synthesis Report v. October 16, 2012 and Offsetting Plan is based on sample subsets from varying geographic scopes. Golder indicated that the 23% unidentifiable stomach content was in fact invertebrates, though species were not identifiable.

-While AEM did not conduct monitoring of ARGR use of the lower H watershed in the spring of 2015, DFO inquired whether this would form part of AEM's future monitoring plans.

Serious Harm Determination

Fisheries and Oceans Canada's Fisheries Protection Program received your Request for Review and Fisheries Screening Assessment & Offsetting Plan (Phase I) on June 11, 2015.

Your proposal has been reviewed to determine whether it is likely to result in serious harm to fish which is prohibited under subsection 35(1) of the *Fisheries Act*.

Environment Canada administers Section 36, the key pollution prevention provision, prohibiting the deposit of deleterious substances into waters frequented by fish, unless authorized by regulations under the *Fisheries Act* or other federal legislation. This includes administration of the Metal Mining Effluent Regulations (MMER) under the *Fisheries Act*. It is AEM's duty to confirm with Environment Canada whether waterbodies to be impacted by the collection or deposit of mine waste are subject to scheduling pursuant to the MMER.

We are recommending the following mitigation measures be included in your plans:

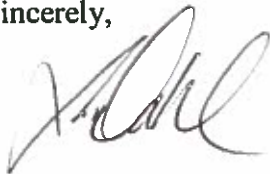
- Time work in water to respect timing windows to protect fish, including their eggs, juveniles, spawning adults and/or the organisms upon which they feed. *The Nunavut Restricted Activity Timing Windows for the Protection of Fish and Fish Habitat* can be viewed here: <http://dfo-mpo.gc.ca/pnw-ppe/timing-periodes/nu-eng.html>
- Follow DFO's *Protocol for Winter Water Withdrawal from Ice-covered Waterbodies in the Northwest Territories and Nunavut* dated June 21, 2010.
- Ensure that water intakes are screened to prevent entrainment or impingement of fish following DFO's *Freshwater Intake End-of-Pipe Fish Screen Guideline* available at <http://www.dfo-mpo.gc.ca/Library/223669.pdf>.

The above listed, and additional measures can be found at Fisheries and Oceans Canada's website at <http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>.

Provided that these mitigation measures are incorporated into your plans, the Program is of the view that your proposal will not result in *serious harm to fish*. No formal approval is required from the Program under the *Fisheries Act* in order to proceed with your proposal.

If you have any questions, please contact Elizabeth Patreau at (204)583-3259, or by email at Elizabeth.Patreau@dfo-mpo.gc.ca. Please refer to the file number referenced above when corresponding with the Program.

Sincerely,



Julie Dahl
Regional Manager, Regulatory Reviews
Fisheries Protection Program

cc. Julie Marentette – DFO
Elizabeth Patreau – DFO

