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April 26, 2024

Your file Votre référence

2AM-MEL1631

Our file Notre référence

22-HCAA-01443

Nunavut Water Board
Attn: Richard Dwyer
Manager of Licensing
PO Box 119
Gjoa Haven, NU
X0B 1J0

**Subject: Technical Review Comments Request for Agnico Eagle Mines Limited's
Amendment to Type A Water Licence No: 2AM-MEL1631 for the
Meliadine Mine Project.**

Dear Richard Dwyer:

The Fish and Fish Habitat Protection Program (the Program) of Fisheries and Oceans Canada (DFO) received notification from the Nunavut Water Board on 26 March 2024 that Agnico Eagle Limited's (AEM) application for the Amendment to the Type A Water Licence (No: 2AM-MEL1631) for the Meliadine Mine Project was deemed complete. The NWB determined that the Application for the WL Amendment could proceed to the Technical Review Stage, and invited parties to submit comments.

Our review considered the following information:

- Water Licence Amendment Application for Meliadine Mine Project Water Licence 2AM-MEL1631 received by email 29 January, 2024, which included the following:
 - Main Application Document
 - Appendix E4 – Hydrogeology Existing Conditions
 - Appendix E7 – Hydrogeology Closure Report
 - Appendix F12 – Interim Closure and Reclamation Plan
 - Appendix F21 – Water Management Plan
 - Appendix F22 – Final Fish Offsetting Plan (January 2024)
- Request for Review Application, received by email 15 February, 2024, which included:
 - Meliadine Mine – Final Fish Offsetting Plan (February 2024)

- Agnico Eagle's Responses to Completeness Check on Meliadine Water Licence Amendment Application 2AM-MEL1631, received by email 1 March, 2024.

DFO provides the following for the NWB's consideration.

Review Comment #	DFO-TRC-01
Subject / Topic	Inconsistencies in Waterbodies/Watercourse Impacted
References	2AM-MEL1631 WL Amendment – Water Licence Amendment Main Application
Comment\Request	<p>DFO-FFHPP requests that inconsistencies in the fish habitat losses in the Meliadine Mine Water Licence Amendment (2AM-MEL1631) - Main Application Document Section 2.3.7 Tables, 2.3-2, and 2.3-3, and the Final Fish Offsetting Plan (Appendix F), as well as associated maps be corrected.</p> <p>DFO-FFHPP requests that the proponent presents all tables and maps to show consistency throughout the WL application documents and compare with waterbodies proposed to be listed under Schedule 2 of the MDMER.</p>

Review Comment #	DFO-TRC-02
Subject / Topic	Pit flooding at closure
References	2AM-MEL1631 WL Amendment – Water Licence Amendment Main Application
Comment / Request	<p>DFO-FFHPP requires flow rates related to flooding of the pits post closure be removed from the Water Licence Amendment Application until a detailed analysis of potential impact of flooding is presented in the Closure and Reclamation Plan. The Plan will have to be submitted and reviewed through the NWB regulatory processes.</p> <p>DFO FFHPP considers matters pertaining to pit flooding will at minimum require the modelling of water levels/balance, specific with withdrawal/fill rates, and more detailed analyses, which should include the assessment of potential downstream effects on fish and fish habitat.</p>

Review Comment #	DFO-TRC-03
Subject / Topic	Fish Passage
References	2AM-MEL1631 WL Amendment – Final Fish Offsetting Plan (Appendix H – Arctic Char Productivity Model for Pistol Bay
Comment / Request	The Fish Offsetting Plan indicates that 2 sections of the stream between Pistol Bay Falls and the first headwater are potential barriers to fish Passage (Appendix U – Table 3).

Review Comment #	DFO-TRC-03
	DFO-FFHPP requires the Final Fish Offsetting Plan provide detailed measures on the proposed alterations of the stream between Pistol Bay Falls and the first headwater to facilitate fish passage.

Review Comment #	DFO-TRC-04
Subject / Topic	Final Fish Offsetting Plan
References	2AM-MEL1631 WL Amendment – Final Fish Offsetting Plan, Appendix H – Arctic Char Productivity Model for Pistol Bay
Comment / Request	DFO FFHPP requests that as part of the Final Fish Offsetting Plan, AEM provide habitat connectivity and fish passage assessments for the five interconnected lakes immediately upstream of Pistol Bay Falls (“useable habitat”) for the predicted production/biomass gains. Clarification is required on the waterbodies that comprise the 1,880 ha of estimated useable area for spawning, rearing and overwintering above Pistol Bay Falls, and if this is limited to the five inter-connected lakes immediately upstream of the falls .

If you have any questions with the content of this letter, please contact Chris Shapka by email at Christopher.Shapka@dfo-mpo.gc.ca. Please refer to the file number referenced above when corresponding with the Program.

Sincerely,



Chris Shapka
Senior Biologist
Fish and Fish Habitat Protection Program
Fisheries and Oceans Canada

CC:
José Audet-Lecouffe, Fisheries and Oceans Canada
Chris Shapka, Fisheries and Oceans Canada