



Fisheries and Oceans
Canada

Pêches et Océans
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Programme de protection du poisson et de son habitat
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July 25, 2024

Your file Votre référence

2AM-MEL1631

Our file Notre référence

22-HCAA-01443; 24-HCAA-01238

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

Subject: Final Written Submission for Agnico Eagle Mines Limited's Amendment to Type A Water Licence No: 2AM-MEL1631 for the Meliadine Mine Project.

Dear Richard Dwyer:

On January 26, 2024, Agnico Eagle Mines Ltd. (AEM) submitted an amendment application and supporting documentation (the Application) to the Nunavut Water Board (NWB) for Type "A" Water Licence 2AM-MEL1631. The Meliadine Mine Water Licence Amendment Project is focused on expanding the mining operations of the Meliadine development to include components in the 2014 Final Environmental Impact Statement already approved under Project Certificate No.006, which require licensing under the Type A Water Licence. The Expansion Project activities include:

1. Open pit mining of F Zone, Wesmeg, Pump, and Discovery deposits;
2. Waste rock storage facilities at Pump, F Zone, and Discovery;
3. Completion of previously approved 2014 fuel tank farm capacity at the Rankin Inlet fuel farm;
4. An increase of operational water use; and
5. Completion of contact water infrastructure and dewatering of lakes and pond to support mining at Pump, F Zone, Wesmeg, and Discovery.

On behalf of Fisheries and Oceans Canada (DFO), the Fish and Fish Habitat Protection Program (FFHPP) has reviewed the Water Licence amendment applications and

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associated documents and management plans specific to the Meliadine Project. FFHPPs primary focus in reviewing proposed developments in and around fish bearing waters is to ensure that works, undertakings and activities are conducted in such a way that the proponents are in compliance with the applicable provisions of the *Fisheries Act*. FFHPP seeks to conserve existing fish habitat and habitat resources, protect them against future impacts, and to restore fish habitat where impacts have occurred.

DFO provides the following Final Written Submission in response to the Nunavut Water Board's (NWB)'s correspondence dated June 26, 2024, regarding pre-Hearing Conference Decision and the invitation to a Public Hearing. The comments in this submission focus on the need for additional clarifications from AEM regarding AEM's responses to DFO Technical Comments, in particular: inconsistencies in waterbodies/watercourse impacted, pit flooding at closure, fish passage, and the Final Fish Offsetting Plan.

Final Written Submission

Review Comment #	DFO-TRC-01
Subject/Topic	Inconsistencies in Waterbodies/Watercourse Impacted
References	<ul style="list-style-type: none"> • 2AM-MEL1631 WL Amendment – Water Licence Amendment Main Application; submitted to the NWB January 26, 2024 • DFO-FFHPP Technical Review Comments Amendment to Type A Water Licence No: 2AM-MEL1631; submitted to the NWB April 26, 2024. • AEM, Agnico Eagle’s Response to Technical Comments on the Meliadine Water Licence Amendment Application 2AM-MEL1631; submitted to NWB May 10, 2024
Summary	<p>DFO-FFHPP requested 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> <ul style="list-style-type: none"> • DFO-FFHPP requested 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.
Importance of issue to impact assessment	Ensuring that all fish habitat losses are accounted for and clearly presented in planning documentation.
Detailed Review Comment	<p>DFO acknowledges AEM’s response indicating that “<i>the Offsetting Plan should be referred to which provides a fulsome and comprehensive list of waterbodies and watercourses.</i>”</p> <p><i>Refer to Appendix E of this response package which provides the master list of waterbodies and watercourses listed under Section 35 and Section 36, as well as updated figures included in the most recent version of the Offsetting Plan.”</i></p>
Recommendation/Request	DFO considers this comment resolved.

Review Comment #	DFO-TRC-02
Subject/Topic	Pit flooding at closure

Review Comment #	DFO-TRC-02
References	<ul style="list-style-type: none"> • 2AM-MEL1631 WL Amendment – Water Licence Amendment Main Application; submitted to the NWB January 26, 2024 • DFO-FFHPP Technical Review Comments Amendment to Type A Water Licence No: 2AM-MEL1631; submitted to the NWB April 26, 2024 • AEM, Agnico Eagle's Response to Technical Comments on the Meliadine Water Licence Amendment Application 2AM-MEL1631; submitted to NWB May 10, 2024
Summary	<p>DFO-FFHPP required 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> <ul style="list-style-type: none"> • 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.
Importance of issue to impact assessment	Additional information related to water requirements for pit filling is required to ensure fish habitat is protected in the downstream environment.
Detailed Review Comment	<p>DFO acknowledges in their response that AEM's "<i>does not agree with DFO that flooding of the pits be removed from the Application,</i>" and that "<i>Agnico Eagle is requesting 4,000,000 m³/year during closure for re-flooding of open pits.</i>"</p> <p>DFO holds its position that 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. DFO believes the Closure and Reclamation Plan is the appropriate location for this information.</p> <p>DFO also notes that the requested rates of 4,000,000 m³/year is less than half the approximately 8,500,000</p>

Review Comment #	DFO-TRC-02
	m ³ /year required during active closure, and is unsure of how this water will be used exactly.
Recommendation/Request	<p>DFO requests the Proponent:</p> <p>3.2.1 Commit to removing flow rates related to flooding of the pits post closure be removed from the Water Licence Amendment Application.</p> <p>3.2.2 Provide in the Closure and Reclamation Plan, detailed analysis of potential impact of pit flooding including modelling of water levels/balance, specific with withdrawal/fill rates, seasonal water level thresholds, monitoring plan and more detailed analyses, including an assessment of potential downstream effects on fish and fish habitat.</p> <p>DFO considers this comment unresolved.</p>

Review Comment #	DFO-TRC-03
Subject/Topic	Fish Passage
References	<ul style="list-style-type: none"> • 2AM-MEL1631 WL Amendment – Final Fish Offsetting Plan (Appendix H – Arctic Char Productivity Model for Pistol Bay; submitted to the NWB on January 26, 2024 • DFO-FFHPP Technical Review Comments Amendment to Type A Water Licence No: 2AM-MEL1631; submitted to the NWB April 26, 2024 • AEM, Agnico Eagle's Response to Technical Comments on the Meliadine Water Licence Amendment Application 2AM-MEL1631; submitted to NWB May 10, 2024
Summary	<p>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).</p> <ul style="list-style-type: none"> • DFO-FFHPP requested that 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.
Importance of issue to impact assessment	It is important to ensure a optimal and complete plan are presented prior to commencing activities.

Review Comment #	DFO-TRC-03
Detailed Review Comment	DFO acknowledges in their response that AEM has committed to completing a field study to ensure the feasibility of the fish passage establishment, and working with DFO towards a final Fish Offsetting Plan.
Recommendation/Request	DFO considers this comment resolved with commitment.

Review Comment #	DFO-TRC-04
Subject/Topic	Final Fish Offsetting Plan
References	<ul style="list-style-type: none"> • 2AM-MEL1631 WL Amendment – Final Fish Offsetting Plan (Appendix H – Arctic Char Productivity Model for Pistol Bay; submitted to the NWB on January 26, 2024 • DFO-FFHPP Technical Review Comments Amendment to Type A Water Licence No: 2AM-MEL1631; submitted to the NWB April 26, 2024 • AEM, Agnico Eagle’s Response to Technical Comments on the Meliadine Water Licence Amendment Application 2AM-MEL1631; submitted to NWB May 10, 2024
Summary	DFO FFHPP requested 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 interconnected lakes immediately upstream of the falls.
Importance of issue to impact assessment	It is important to ensure a optimal and complete plan are presented prior to commencing activities.
Detailed Review Comment	DFO acknowledges in their response that AEM has committed to completing a 2024 field study to ensure the feasibility of the fish passage, and working with DFO towards a final Fish Offsetting Plan.
Recommendation/Request	DFO considers this comment resolved with commitment.

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

Sincerely,

A handwritten signature in dark ink, appearing to read 'Chris Shapka', with a stylized, flowing script.

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
Derek Donald, Fisheries and oceans Canada