



Fisheries and Oceans
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Aquatic Ecosystems

Écosystèmes aquatiques

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17 December 2021

Your file Votre référence
2AM-MEL1631

Our file Notre référence
11-HCAA-CA7-00014

Richard Dwyer
Manager of Licensing
Nunavut Water Board (NWB)
P.O. Box 119
Gjoa Haven, NU
X0B 1J0

Dear Richard Dwyer,

**Subject: Fisheries and Oceans Canada's comments regarding Licence No. 2AM-MEL1631;
 Agnico Eagle Mines Ltd.; Notice of Activity for draining/Dewatering of Ponds.**

Fisheries and Oceans Canada – Fish and Fish Habitat Protection Program (DFO-FFHPP) would like to thank the Nunavut Water Board (NWB) for the opportunity to provide comments on Agnico Eagle Mines Ltd.'s (AEM) Type "A" Water Licence Notice of Activity for draining ponds A40, B33, B33A, A09, A38, J06, J05, and J04 for the Meliadine Mine (the Project), Licence No. 2AM-MEL1631.

As outlined in the email dated 29 November 2021, DFO-FFHPP understands that the NWB requests interested parties to provide comments on the Notice of Activity – Draining/Dewatering of Ponds. As identified in "211126 2AM-MEL1631 Dewatering & Draining of Site Ponds Notice of Activities-IMLE.pdf", AEM proposes to dewater/drain ponds A40, B33, B33a, A09, A38, J06, J05, and J04 located at the Meliadine Mine Site. DFO-FFHPP provides the following comments:

1. The Federal *Fisheries Act* does not distinguish between lakes or ponds; Fish habitat is water frequented by fish and any other areas on which fish depend directly or indirectly to carry out their life processes, including spawning grounds and nursery, rearing, food supply and migration areas.
 - a. An authorization from the Minister of Fisheries, Oceans and the Canadian Coast Guard as per Paragraph 34.4(2)(b) or 35(2)(b) of the *Fisheries Act Regulations* is required if a project will likely result in the death of fish or the harmful alteration, disruption, or destruction (HADD) of fish habitat.
2. Ponds A40, A09, and J04 were identified as fish bearing, and Pond J07, upstream of ponds J04, J05, and J06, was identified as fish-bearing (*page 7.5-C6 of Appendix 7.5-C of the 2014 FEIS*).
 - a. Because the upstream-most pond in the J basin was found to have no overwintering habitat, but contained fish, it is assumed that fish travel upstream through the J ponds, indicating that the J ponds and connecting flow paths are fish habitat.

3. The dewatering of fish bearing ponds will likely result in the death of stranded fish that are unable to be rescued before the ponds are dewatered.
4. The water from the area of the dewater ponds near Tiriganiaq pits 01 and 02 is proposed to be diverted along alternate drainage paths (through CP1), potentially affecting fish habitat in downstream ponds (Ponds A08, J01).
 - a. DFO-FFHPP notes that although the diverted flows will remain in the larger Meliadine Lake basin, flows diverted from the A or J watershed will result in changes to habitat in the A or J ponds, lower in the watershed. This is the same for all of the diverted flows and modified catchment areas.

DFO-FFHPP recommends that AEM submit a Request for Review or Application for Authorization (found at <https://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>) so DFO-FFHPP can review the impacts of the proposed works, undertakings or activities in or near water.

If you have any questions, please contact Paul Harper at (867) 444-0983, or by email at Paul.Harper@dfo-mpo.gc.ca. Please refer to the DFO file number referenced.

Sincerely,



José Audet-Lecouffe
Senior Biologist, Regulatory Review
Arctic Region
Fisheries and Oceans Canada

cc:

Alasdair Beattie, DFO-FFHPP
Paul Harper, DFO-FFHPP