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December 17, 2018

*Our file                      Notre référence*

16-HCAA-00370

Sophia Granchinho  
P.O. Box 1360  
Cambridge Bay, NU  
X0B 0C0

**Re: Comments on the Whale Tail Fisheries Habitat Offsetting Plan – Project Certificate Term and Condition 24**

The Fisheries Protection Program of Fisheries and Oceans Canada (DFO-FPP) would like to thank the Nunavut Impact Review Board (NIRB) for the opportunity to provide confirmation that the Whale Tail Fisheries Habitat Offsetting Plan as submitted meets the requirements of Term and Condition 24 of Project Certificate No. 008.

It is the opinion of DFO-FPP that, overall, the Agnico Eagle Mines Ltd's (AEM) Fish Habitat Offsetting Plan is satisfactory, and thus meets the requirements of Term and Condition #24.

DFO-FPP issued a *Fisheries Act* Authorization on July 23, 2018, to Agnico Eagle Mines Ltd. (AEM) for the Whale Tail Pit Project. DFO-FPP and AEM have agreed on a fish habitat offsetting plan that DFO-FPP believes is a viable offset for the serious harm to fish and fish habitat due to impacts from the Whale Tail Pit Project. In the event that offsetting measures are not completed by the dates specified in the *Fisheries Act* Authorization, and/or not functioning according to the approved monitoring plan, AEM shall be required to implement contingency measures and associated monitoring measures.

Regarding whether the Whale Tail end pit would support fish in the post closure scenario, DFO relies on the expertise of the other regulatory authorities including Environment and Climate Change Canada and Crown-Indigenous Relations and Northern Affairs Canada to determine if the water quality will be suitable for breaching of the Whale Tail Dike post-closure. DFO also relies on AEM to inform DFO if at any time AEM determines that the long-term water quality will not be suitable for the establishment of healthy fish populations, and will therefore not be suitable for reconnection to the south basin of Whale Tail Lake. If this were to occur, DFO and AEM would discuss the implementation of the contingency measures outlined in the Whale Tail Fisheries Habitat Offsetting Plan.

If you have any questions, please contact Sally Wong at (867) 669-4934 or by email at [Sally.Wong@dfo-mpo.gc.ca](mailto:Sally.Wong@dfo-mpo.gc.ca). Please refer to the file number referenced above when corresponding with the Program.

Sincerely,

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

Bev Ross  
Manager, Regulatory Reviews  
Fisheries and Oceans Canada

cc.: Angie McLellan, DFO Yellowknife  
Mark D'Aguiar, DFO Yellowknife  
Sally Wong, DFO Yellowknife