



Transport
Canada

Transports
Canada

Prairie and Northern Region
Environmental Services, Programs
P.O. Box 8550
3rd Floor, 344 Edmonton Street
Winnipeg, Manitoba
R3C 0P6

Your file Votre référence
16MN056
Our file Notre référence
7075-70-1-319

September 11, 2017

Sophia Granchinho
Acting Director of Technical Services
Nunavut Impact Review Board (NIRB)
P.O. Box 1360
Cambridge Bay, NU, X0B 0C0

**Re: Transport Canada's Participation in NIRB: 16MN056 Agnico Eagle Mines Limited -
Whale Tail Pit Project Final Hearing**

Transport Canada (TC) has reviewed the Environmental Impact Statement (EIS) and supporting documentation, participated through written submissions, and attended technical meetings and prehearing conferences in the Nunavut Impact Review Board's review of Agnico Eagle Mines Ltd.'s (AEM) proposed Whale Tail Pit Project to obtain additional information about project components within its mandate.

Following our analysis TC has determined that Mammoth and Whale Tail Lakes are not navigable for the purposes of the *Navigation Protection Act* (NPA). As the lakes are not navigable, Section 23 will not apply and AEM will not have to seek an exemption from the Governor in Council. AEM has indicated that they will not "Opt-In" for their project related in-water works on non-Scheduled waterways to be reviewed under the NPA and TC will not be issuing any approvals or permits for the proposed Whale Tail Pit Project. As we have no regulatory authority for the project, TC is no longer a Responsible Minister for the Whale Tail Pit project.

Although marine safety and security is not within the scope of the project proposal, TC recognizes that this is an important concern for Nunavummiut and will be available to respond to any questions regarding marine safety and security at the final hearing should a teleconference line be made available.

Transport Canada appreciates the opportunity to participate in the review and provide comments on the proposed Whale Tail Pit project. Should you have any questions please do not hesitate to contact Anita Gudmundson via email at anita.champagnequdmundson@tc.gc.ca or by telephone at (204) 983-3388.

Regards,

Claire Carrière
Regional Director, Programs
Prairie and Northern Region

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