



Whale Tail Project (Inuktitut translation here)

Presentation to the
Nunavut Water Board
Board

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Final Hearing

Baker Lake, NU

Sept 25- 26, 2017



DFO's Fisheries Protection Program - Mandate

The **mandate** of the Fisheries Protection Program is to maintain the sustainability and ongoing productivity of commercial, recreational and Aboriginal fisheries.



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DFO – Legislation

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Fisheries Act

- Section 35
 - Prohibits serious harm to fish
 - Allows for authorization of impacts with conditions
- Sections 20, 21
 - Requirement for sufficient water, fish passage

Species at Risk Act

- Sections 32, 33, 58
 - Prohibits killing, harming, harassing, capturing or taking of listed species, destruction of residence, critical habitat

Nunavut Land Claims Agreement (Article 12)

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DFO - Policy

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- **Fisheries Protection Policy Statement (2013)**
 - Guidance on implementing the fisheries protection provisions of *Fisheries Act*
- **Fisheries Productivity Investment Policy: A Proponent's Guide to Offsetting (2013)**
 - Guidance on measures to offset serious harm to fish

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DFO # 3.1 Habitat Losses

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- 3.1.1 Request: DFO requests that AEM provide detailed illustrations, prior to the commencement of the regulatory phase to demonstrate the habitat viability of the proposed 13% increased surface area of Whale Tail Lake. DFO notes AEM had agreed to this request following DFO's technical submission March 28, 2017.

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DFO # 3.1 Habitat Losses

- 3.1.2 Request: DFO request s that AEM provide additional details outlining the potential mixing or non-mixing in the pit portion of Whale Tail Lake as there is insufficient information as adopted from Meadowbank's CREMP and Water Quality Monitoring Plan to do so. If sustainable water quality and habitat suitable for fish in the post-closure scenario cannot be demonstrated, DFO requests AEM provide DFO with contingency offsetting options located outside the Whale Tail Lake basin.

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DFO # 3.1 Habitat Losses

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- 3.1.3 Request: DFO requests that AEM provide additional and updated information on the evaluation of end pit lake scenarios, with references, to address DFO's concerns regarding long term water quality and physical habitat in the proposed end pit lakes. DFO notes this information was requested in it's Technical submission.

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DFO # 3.2 Valued Components

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- 3.2.1 Request: DFO requests that AEM give equal weights to species based on presence/absence in the offsetting calculation. DFO notes that the request to assign equal value to all fish species was part of Commitment #31 from the Technical Meeting in April 2017.

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DFO # 3.3 Habitat Alteration

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- 3.3.1 Request: DFO requests AEM provide additional information to clarify the calculations respecting the 24 hectares and 3390 linear metres of habitat loss associated with impacted waterbodies in the post-closure scenario, and how the proposed June 17 offsetting plan accounts for these losses.

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DFO # 3.3 Habitat Alteration

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- 3.3.2 Request: DFO requests AEM clarify the calculated numbers for habitat losses for all phases of the project, including providing the rationale and raw data for the calculations.

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DFO # 3.3 Habitat Alteration

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- **3.3.3 Request:** DFO requests AEM provide more information regarding their plan to permanently flood Whale Tail Lake by raising the water level by 0.5m, including an analysis of the long-term sustainability of the higher water condition and a clear rationale for considering it a habitat gain.

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DFO # 3.4 Changes to Lake Ecosystem Productivity

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- 3.4.1 Request: DFO requests clarification on whether the newly proposed changes to the project, specifically in the form of the phosphorus treatment, will still result in a change to the trophic status of the lake.

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DFO # 3.4 Changes to Lake Ecosystem Productivity

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- 3.4.2 Request: DFO requests that the losses caused by a trophic change in the lake ecosystem from nutrient overloading be considered as losses in the calculations for offsetting.

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DFO # 3.4 Changes to Lake Ecosystem Productivity

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- 3.4.3 Request: DFO requests clarification on whether AEM is planning on conducting a study in conjunction with University of Manitoba on the change in fisheries productivity due to a change in the lake ecosystem from oligotrophic to eutrophic and back again.

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DFO # 3.5 Water Quality & Flow Monitoring Plan

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- **3.5.1 Request:** DFO requests that AEM place monitoring stations in Whale Tail South Basin, Mammoth Lake and Nemo Lake in the locations or similar to the locations described in the table provided in DFO's Final Written Submission. DFO also requests that multiple depths , temperature, Pressure, Dissolved Oxygen, pH, Salinity and Conductivity be sampled at all locations.

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DFO # 3.5 Water Quality & Flow Monitoring Plan

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- 3.5.2 Request: DFO requests that AEM include at least 2 control lake monitoring stations in the Water Quality and Flow Monitoring Plan and include rationale to as to why the reference lakes that are chosen are appropriate.

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DFO # 3.5 Water Quality & Flow Monitoring Plan

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- 3.5.3 Request: DFO requests AEM ensure consistency in sampling frequency i.e. all stations as suggested by DFO are sampled each monitoring year rather than 1 station in year 4 and a different one in year 11 as is currently the case in AEM's Water Quality and Flow Monitoring Plan.

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Conclusion

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Fisheries and Oceans Canada will continue to work cooperatively with the Proponent and stakeholders, including potentially impacted communities, to ensure that:

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- appropriate mitigation measures, follow-up and monitoring programs are implemented;
- The proponent continues to work with Fisheries and Oceans Canada and the impacted communities to finalize the Fish Habitat Offsetting Plan, the Fish-Out plan, the Water Quality and Flow Monitoring Plan and the Fisheries and Offsetting Monitoring Plan



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◁^፩፬፭፮፯? Questions?