



Fisheries and Oceans
Canada

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Canada

Central and Arctic Region
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August 21, 2019

Your files Votre référence
2AM-WTP1826

Our file Notre référence
16-HCAA-00370

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-WTP1826 South Whale Tail Diversion Channel and Road 24 design reports

The Fish and Fish Habitat Protection Program of Fisheries and Oceans Canada (DFO-FFHPP) would like to thank the Nunavut Water Board (NWB) for the opportunity to provide comments on Agnico Eagle Mines Ltd.'s (AEM) 2AM-WTP1826 South Whale Tail Diversion Channel and Road 24 design reports.

As outlined in the NWB email request dated July 25, 2019, and follow-up email dated August 12, 2019, DFO-FFHPP is submitting comments regarding concerns with the inconsistent reporting of water levels and associated assessment of effects on downstream watercourses and waterbodies (see details below). DFO-FFHPP references the ongoing and concurrent NIRB and NWB assessment processes regarding AEM's Whale Tail Expansion Project, specifically information previously provided as part of the NIRB process.

In the Diversion Channel Design Report, Section 3.1, Design basis and criteria it states:
"The water operation-levels established previously in SNC-Lavalin (2018a) to divert the flows from SWTL to Mammoth Lake will be adopted in the design phase as follows:
o Normal operating water level (NOWL) 156.0 m
o Maximum water level (MWL) 157.0 m (emphasis added)
o Channel Inlet-invert elevation 155.8 m
o Initial water elevation in South Whale Tail Lake at the start of the design event of 155.8 m"

Section 4.1.1 and Appendix D Section 3.4 also mention the maximum water level of 157masl in South Whale Tail Lake (SWTL). Section 4.1.1 indicates the total lake area of SWTL at maximum water level will be approximately 470ha, and Figure 4-1 indicates that the change in active volume of the SWTL from 156masl to 157masl is approximately 4.0Mm³.

However, in their response to Technical Comments submitted to NIRB by DFO on May 14, 2019 (DFO 3.4.1 and 3.4.2), AEM states: “There are no water management scenarios where 156.00 masl will be exceeded. The elevation of Whale Tail Lake (South Basin) will be controlled by the Whale Tail Lake (South Basin) diversion channel, set at 156.00 masl. The water level is therefore expected to remain at this elevation with some slight fluctuations during wet and dry periods” (emphasis added) and, “To avoid the exceedance of 156 masl, Agnico Eagle rely on the Whale Tail South Channel, which divert Whale Tail South Basin toward the Mammoth Lake as per the Approved project.”

DFO requests clarification on why the Design Report appears to contradict the statement: “there are no water management scenarios where 156.00 masl will be exceeded” given the maximum water level indicates 157masl is a possible scenario. DFO also notes that in their response to Information Requests submitted to NIRB February 21, 2019 (IR DFO-6) AEM states: “There is no expected change in surface area (hectares) for the South Basin of the Whale Tail Lake, nor any additional surrounding streams, ponds, and lakes will be affected.” It is unclear to DFO how an increase of 1m (from 156 to 157masl), and the associated estimated active volume (4.0Mm³) in South Whale Tail Lake may influence downstream water levels and surface areas. DFO also asks for clarification on the difference in South Whale Tail Lake total lake area (ha) when an increase from the normal operating water level of 156masl to the maximum water level of 157masl occurs.

If you have any questions, please contact Boyan Tracz at (867) 669-4920, or by email at Boyan.Tracz@dfo-mpo.gc.ca. Please refer to the DFO file number referenced when corresponding with the Program.

Sincerely



Mark D'Aguiar
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Fisheries and Oceans Canada
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cc: Boyan Tracz, DFO-FFHPP
Marek Janowicz, DFO-FFHPP