



Fisheries and Oceans
Canada

Pêches et Océans
Canada

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September 24, 2015

Your file
2BE-MEA1318

Voire référence

Our file
11-HCAA-CA7-00006
Notre référence

Nunavut Water Board
ATTN: Phyllis Beaulieu, Manager of Licensing
P.O. Box 119
Gjoa Haven, NU X0B 1J0

Dear Ms. Beaulieu:

**Subject: Agnico-Eagle Mines Ltd. – Meadowbank Exploration Project –
Amendment No. 3 – Type “B” 2BE-MEA1318**

Fisheries and Oceans Canada – Fisheries Protection Program (DFO-FPP) would like to thank the Nunavut Water Board (NWB) for the opportunity to provide comments on the amendment no. 3 application for a Type “B” water license and supporting documents, submitted by Agnico-Eagle Mines Ltd (AEM) for the Meadowbank Gold Mine– Amaruq Exploration project (the Project).

As outlined in your letter dated August 24, 2015, the NWB has forwarded notice of all documentation to regulators and council of municipalities most affected by the Project. Comments are requested by September 24, 2015. AEM’s request has been reviewed to determine whether it is likely to result in serious harm to fish which is prohibited under subsection 35(1) of the *Fisheries Act*. AEM’s request has also been reviewed to determine whether it will adversely impact listed aquatic species at risk and contravene sections 32, 33 or 58 of the *Species at Risk Act* (SARA).

DFO-FPP understands that AEM is requesting to:

- Drill on two lakes (Mammoth and Whale Lake) using a barge-based drill
- Generate approximately 10—12 cubic meters of used drilling water per day, which will be treated and reused
- Dispose of the cutting sludge in an area at least 31 meters from water where runoff to water is not possible

DFO-FPP has no additional comments for the NWB regarding AEM’s Type “B” water licence amendment application.

Since there are no SARA species or their habitats identified in the project area, no additional approvals under SARA will be required for AEM’s proposed activities.

Provided that AEM implement the required mitigation measures for its project and, follow the guidance available on the Fisheries and Oceans Canada's (DFO) website at <http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>, DFO-FPP is of the view that AEM's plans should not result in serious harm to fish or contravene sections 32, 33 or 58 of SARA. No formal approval is required from DFO-FPP under the *Fisheries Act* or SARA in order to proceed with its application.

It remains AEM's responsibility to ensure it avoids causing serious harm to fish in compliance with the *Fisheries Act*, and that AEM meets the requirement under SARA as it may apply to its project. If AEM's plans changed or if the description of its proposal is incomplete, or changes in the future, AEM should consult DFO's website <http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html> or consult with a qualified environmental consultant to determine if further review is required by DFO-FPP.

Please be advised that it is AEM's *Duty to Notify* DFO if it has caused, or is about to cause, serious harm to fish that are part of or support a commercial, recreational or Aboriginal fishery. Such notifications should be directed to <http://www.dfo-mpo.gc.ca/pnw-ppe/violation-infraction/index-eng.html>.

It remains AEM's responsibility to meet all other federal and territorial requirements that apply to its project.

DFO-FPP will continue to work cooperatively with the NWB and AEM regarding the Meadowbank Gold Mine and the Amaruq Exploration project.

If you have any questions concerning the above, please contact our office directly by telephone at (867) 669-4934 or by email at Julie.Marentette@dfo-mpo.gc.ca. Please refer to the file number above when corresponding with DFO-FPP.

Yours sincerely,



Julie Dahl
Regional Manager, Regulatory Reviews
Fisheries Protection Program

Copy List:
Julie Marentette (DFO)