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8BC-WTP----

*Our file*      *Notre référence*  
16-HCAA-00370

January 10, 2018

Karén Kharatyan  
A/Manager of Licensing  
Nunavut Water Board  
P.O. Box 119  
Gjoa Have, NU X0B 1J0

Dear Karén Kharatyan:

**Subject: Agnico Eagle Mines Ltd.'s New Type "B" Water Licence for Whale Tail Pit Pre-development and Haul Road Project**

The Fisheries Protection Program of Fisheries and Oceans Canada (DFO-FPP) would like to thank the Nunavut Water Board (NWB) for the opportunity to provide comments on Agnico Eagle Mines Ltd.'s (AEM) New Type "B" Water Licence pre-development activities for Whale Tail Pit and Haul Road Project.

As outlined in your request dated December 13, 2017, reviewers are invited to submit comments to the NWB January 19, 2018.

DFO-FPP has reviewed the application and supporting documents in accordance with its mandate to maintain the sustainability and ongoing productivity of commercial, recreational and Aboriginal fisheries. DFO-FPP is providing the following comments:

*DFO-FPP Comment 1 – Reference: Main Application Supporting Document (December 2017); 3.3 Water Use - 3.3.1 Direct Use (p. 22)*

DFO-FPP understands that AEM is not proposing "any new or additional requests for direct use of water for domestic or other purposes"(p. 22) and that AEM will maintain water usages during pre-development activities within the allotted maximum of 299 m<sup>3</sup> per day under the water licence 2BB-MEA1318 (Meadowbank Exploration Project). DFO-FPP also understands that under water licence 2BB-MEA1318, the freshwater intake will remain in Whale Tail Lake for the pre-development activities.

DFO-FPP notes that the intake location has not been provided on figure 1.3 and therefore requests that AEM provide the exact location of the intake on an updated figure. In addition, should AEM's plans change in the future in terms of water usage, source-of and amount-of freshwater intake, and intake location, AEM should notify DFO-FPP for review.

*DFO-FPP Comment 2 – Reference: Main Application Supporting Document (December 2017); 3.3 Water Use - 3.3.2 Indirect Use (p. 23)*

DFO-FPP notes that AEM is proposing to construct water management structures (water retention dikes/berms and diversion channels) as needed to contain and manage the contact water from the areas potentially affected by pre-development. AEM has also proposed to conduct piping and pump preparation associated with pre-development activities from the shoreline of the intake locations from Whale Tail Lake to the respective water treatment plants.

DFO-FPP notes that AEM will be required to provide DFO-FPP with detailed design engineer drawings for any water management structures such as water retention dikes/berms and diversion channels that will be constructed below the high water mark (HWM) of any watercourse or waterbody. This information can be provided as part of AEM's 'DFO-FPP's Request for Review' form submission to DFO-FPP.

*DFO-FPP Comment 3 – Reference: Main Application Supporting Document (December 2017); 3.2.2 Culverts (p. 21).*

DFO-FPP notes that AEM indicated that culverts 182 and 183 were previously approved for construction under the licence 2BB – MEA1318. DFO-FPP acknowledges that DFO-FPP provided a 'Letter of Advice' to AEM for the construction of culverts 182 and 183. However, DFO-FPP notes that AEM is now proposing to extend the culverts "to allow for adequate drainage" (p. 21) as part of upgrading the Amaruq Exploration Access Road to a Haul Road. It is unclear to DFO-FPP whether the culvert(s) extensions will result in additional footprint below the high water mark.

DFO-FPP would like to note that any upgrades to existing culverts or watercourse crossings that result in additional footprint below the HWM, or the construction of new culverts or watercourse crossings will require review by DFO-FPP. As such, DFO-FPP requests that AEM provide detailed, site specific engineer drawings for each of the proposed/upgraded culverts and watercourse crossings. This includes but is not limited to the calculations used to determine correct sizing of the culvert, which will ensure adequate velocities for fish passage during both high and low flows, and the hydraulic calculations showing the capacity of the culvert to adequately handle peak flows.

Furthermore, it remains the Proponent's responsibility to ensure they avoid causing *serious harm* to fish in compliance with the *Fisheries Act*, and that they meet the requirements under the *Species at Risk Act* as it may apply to their project. If the Proponent's plans have changed or if the description of their proposal is incomplete, or changes in the future, the Proponent should consult our 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.

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 DFO-FPP.

Sincerely,

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

Bev Ross  
A/Regional Manager, Regulatory Reviews  
Fisheries Protection Program

Cc: Mark D'Aguiar, DFO-FPP  
Sally Wong, DFO-FPP