

Environmental Protection Branch
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EC File: 4703 001 016
NWB File: 2BE-HOP0712

Richard Dwyer
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Via email: licensingadmin@nunavutwaterboard.org

RE: 2BE-HOP0712 Hope Bay Project Amendment 4 Application

Environment Canada (EC) has reviewed the information submitted with the above-mentioned application to the Nunavut Water Board (NWB). The following specialist advice has been provided pursuant to the *Canadian Environmental Protection Act*, Section 36(3) of the *Fisheries Act*, the *Migratory Birds Convention Act*, and the *Species at Risk Act*.

Hope Bay Mining Ltd. (HBML) is applying for an amendment to their water license 2BE-HOP0712 from the NWB. HBML is seeking to amend the water license to allow for the discharge of water from three quarries associated with the Hope Bay Regional Exploration Project.

Upon review of the supporting documents, EC provides the following comments and recommendations for the NWB's consideration:

- All mitigation measures identified by the proponent, and the additional measures suggested herein, should be strictly adhered to during project activities. This will require awareness on the part of the proponents' representatives (including contractors) during operations in the field. EC recommends that all field operations staff be made aware of the proponents' commitments to these mitigation measures and provided with appropriate advice/training on how to implement these measures.
- Meeting the requirements of the *Fisheries Act* is mandatory, irrespective of any other regulatory or permitting system. Section 36(3) of the *Fisheries Act* specifies that unless authorized by federal regulation, no person shall deposit or permit the deposit of deleterious substances of any type in water frequented by fish, or in any place under any conditions where the deleterious substance, or any other deleterious substance that results from the deposit of the deleterious substance, may enter any such water. The legal definition of deleterious substance provided in section 34(1) of the *Fisheries Act*, in conjunction with court rulings, provides a very broad interpretation of deleterious and includes any substance with a potentially harmful chemical, physical or biological effect on fish or fish habitat.
- Appropriate mitigation measures outlined in the Hope Bay Quarry A, B & D Management and Monitoring Plan regarding the discharge of sump water should be implemented.

Comments previously submitted on behalf of EC regarding water license 2BE-HOP0712 would still apply to this project. If there are any changes in the proposed project, EC should be notified, as further review may be necessary. Please do not hesitate to contact me with any questions or

comments with regards to the foregoing at (867) 975-4631 or by email at Paula.C.Smith@ec.gc.ca.

Yours truly,



Paula C. Smith
Environmental Assessment Coordinator

cc: Carey Ogilvie (Head, Environmental Assessment-North, EPO, Yellowknife, NT)
Ron Bujold (Environmental Assessment Technician, EPO, Yellowknife, NT)