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November 23, 2015

Your file Votre référence
NIRB 15EN049

Our file Notre référence
15-HCAA-01366

Nunavut Impact Review Board (NIRB)
PO Box 1360
Cambridge Bay, NU
X0B 0C0

Dear NIRB:

Subject: Screening and Comment Request for AEM's Peter, Fox and Parker Lake Project

Fisheries Protection Program (the Program) of Fisheries and Oceans Canada – would like to thank the NIRB for the opportunity to provide comments on the Screening and Comment Request for AEM's Peter, Fox and Parker Lake Exploration Project provided by Agnico Eagle Mines Ltd (AEM).

As outlined in your request dated November 13, 2015, reviewers are invited to submit comments and recommendations to the NIRB by December 4, 2015. AEM's proposal 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 proposal 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).

Our review considered the following:

- Non-Technical Project Proposal Description
- Part 1 Form Project Proposal Information Requirements
- Part 2 Form Project Specific Information Requirements

The Program understands that AEM intends to conduct mineral exploration activities in the vicinity of their existing Meliadine Project. These activities will involve water withdrawal from nearby lakes.

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

To avoid the potential of serious harm to fish, and their habitat, we are recommending that the following mitigation measures be included into AEM's plans:

- Follow DFO's *Protocol for Winter Water Withdrawal from Ice-covered Waterbodies in the Northwest Territories and Nunavut* dated June 21, 2010.
- Time work in water to respect timing windows to protect fish, including their eggs, juveniles, spawning adults and/or the organisms upon which they feed. *The Nunavut Restricted Activity Timing Windows for the Protection of Fish and Fish Habitat* can be viewed here: <http://dfo-mpo.gc.ca/pnw-ppe/timing-periodes/nu-eng.html>
- Ensure that water intakes are screened to prevent entrainment or impingement of fish following DFO's *Freshwater Intake End-of-Pipe Fish Screen Guideline* available at <http://www.dfo-mpo.gc.ca/Library/223669.pdf>. In particular, the following measures for the design and installation of intake pipe fish screens should be applied:
 - Screens should be located in areas and depths of water with low concentrations of fish throughout the year.
 - Screens should be located away from natural or artificial structures that may attract fish that are migrating, spawning, or in rearing habitat.
 - Screens should be located a minimum of 300 mm (12 in.) above the bottom of a waterbody to prevent entrainment of sediment and aquatic organisms associated with the bottom area.
 - Provision should be made for the removal, inspection, and cleaning of screens.
 - Pumps should be shut down when fish screens are removed for inspection and cleaning.

The above listed, and additional measures can be found at Fisheries and Oceans Canada's website at <http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>.

Provided that these mitigation measures are incorporated into AEM's plans, the Program is of the view that AEM's proposal will not result in serious harm to fish. No formal approval is required from the Program under the *Fisheries Act* in order for AEM to proceed with its proposal.

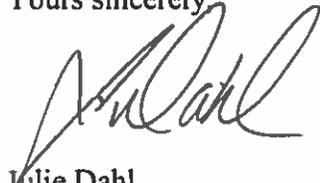
It remains AEM's responsibility to ensure it avoids causing serious harm to fish in compliance with the *Fisheries Act*, and that AEM meets the requirement under SARA as it may apply to its project. If AEM's plans changed or if the description of its proposal is incomplete, or changes in the future, 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 the Program.

It is also 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, territorial and municipal requirements that apply to its project.

If you have any questions, please contact Elizabeth Patreau at (204)583-3259, or by email at Elizabeth.Patreau@dfo-mpo.gc.ca. Please refer to the file number referenced above when corresponding with the Program.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Julie Dahl', written over a light blue horizontal line.

Julie Dahl
Regional Manager, Regulatory Reviews
Fisheries Protection Program

Cc: Elizabeth Patreau - DFO

