

Tara Arko

From: Patreau, Elizabeth <Elizabeth.Patreau@dfo-mpo.gc.ca>
Sent: March-28-17 12:18 PM
To: Info at NIRB; Tara Arko
Cc: Curtis, Martyn; D'Amours-Gauthier, Veronique; D'Aguiar, Mark
Subject: RE: NIRB: Update to Parties Regarding Workshop at Nunavut Mining Symposium

Dear NIRB (c/o) Tara Arko – Director of Technical Services

Further to the NIRB's March 3, 2017 Letter regarding the upcoming NIRB Workshop at the Nunavut Mining Symposium, DFO is providing the following written submission as we were unable to secure accommodations in order to attend in person.

Further to the NIRB's letter, DFO understands the NIRB requested DFO provide strategic points on issues affecting participation in the monitoring process, barriers or communication/reporting issues challenging participation and opportunities for additional coordination.

DFO's Fisheries Protection Program (FPP) Mining North Regulatory Review Unit undertakes reviews of Nunavut's mining projects out of our Yellowknife Office. New projects proposed by proponents, notices of occurrences, or general inquiries are all now directed to our Burlington, ON office, specifically to our Triage Unit. They review all email notices from the NIRB and NWB and make a determination on whether or not the proposal should be forwarded on to our Yellowknife office for further review. FPP is currently reviewing several mining projects in Nunavut and have provided a brief overview of the latest updates from DFO's perspective:

Izok: This project is currently on hold. The timelines for the submission of an updated Project Description to the NIRB are unknown, but the proponent will provide a further update to the NIRB in Q4 of 2017.

Mary River: The construction of the Milne Inlet ore dock and associated offsetting measures were completed in July 2015. The shipment of iron ore to European markets started in the summer of 2015. The proponent plans to submit an addendum to the Final Environmental Impact Statement during the second quarter of 2017 for the Mary River Phase 2 project proposal. The proponent has submitted a request for review for the Mary River Phase 2 project proposal to DFO. DFO will continue to work with the proponent to ensure that both the conditions of the *Fisheries Act* authorization as well as the NIRB's Project Certificate are met.

Sabina Back River: DFO has determined a *Fisheries Act* Authorization may be required for the destruction of fish habitat in Umwelt Lake, Llama Lake and the ponds and streams within the Goose, Llama, Wolf watersheds. DFO will be reviewing the Amended Final Environmental Impact Statement and provide comments to the NIRB. The deadline to provide comments is April 21, 2017. DFO will be participating in the Final Hearing and community session in Cambridge Bay. The NIRB anticipate holding the hearing the first week of June 2017.

Bathurst Inlet Port and Road (BIPAR): This project is currently on hold. The date for the submission of the draft Environmental Impact Statement to the Nunavut Impact Review Board is unknown. DFO will participate in the environmental assessment should it resume. The Department's focus will be on issues related to its mandate and specifically fisheries impacts anticipated in Bathurst Inlet resulting from the construction of the port facility as well at water crossing locations along the proposed all-weather road.

Doris North: DFO has determined that the construction of the marine outfall berm and discharge pipe in Roberts Bay will not result in serious harm to fish; letters of advice were submitted to the proponent on August 30, 2016. The requirement for a *Fisheries Act* Authorization for water loss in Doris Lake and the outflow stream has yet to be

determined. On June 13, 2016, the NIRB submitted the Public Hearing Report and concluded that the proposed amendment should be allowed to proceed subject to the recommended, terms and conditions of the Project Certificate. On behalf of the Responsible Ministers, the Minister of Indigenous and Northern Affairs advised the NIRB that the report was accepted on August 29, 2016. DFO will continue to work with the proponent during the construction and development of the project amendments, the determination of the requirement for a *Fisheries Act* Authorization associated with water loss in Doris Lake and the outflow stream, and all remaining offsetting measures associated with *Fisheries Act* Authorizations NU-02-0117.2 and NU-02-0117.3 and the Tailings Impoundment Area.

Hope Bay Phase II Madrid Deposit: DFO reviewed the draft environmental impact statement and will continue participating in the process in order to make this determination. However, fisheries impacts will occur from the expansion of the existing port infrastructure and at watercourse crossings along new all-weather roads. DFO will review the FEIS once submitted by the proponent and continue participating in the environmental assessment of this project.

Meadowbank: DFO is actively monitoring the Meadowbank Project, and its expansions. DFO has issued several *Fisheries Act* Authorizations to Agnico Eagle Mines Ltd. for their operations at the Meadowbank site. DFO is actively working with Agnico Eagle to finalize offsetting plan and monitoring plans at the mine.

Meliadine: The proponent submitted a Request for Review to Fisheries and Oceans Canada for phase 1 of the Project on June 11, 2015. On November 27, 2015, DFO informed the proponent and the Nunavut Water Board that no *Fisheries Act* Authorization would be required for phase 1 of the project. Currently, DFO is monitoring activities associated with phase 1, and awaits submissions for phase 2. Most recently, DFO is undertaking a review of Agnico Eagle's proposed bypass road project associated with the Meliadine Mine.

Whale Tail: DFO is actively participating in the Environmental Assessment process with the NIRB and NWB. DFO will be submitting a Technical Report and provide presentations at the Technical Meeting and Pre-Hearing Conference in Baker Lake. DFO is actively meeting with Agnico Eagle and the Kivalliq Inuit Association to discuss concerns related to the Whale Tail Project.

Regarding NIRB's request, DFO provides the following strategic points:

Monitoring process: DFO actively monitors all correspondence from the NIRB and NWB, conducts reviews of monthly and annual monitoring reports and conducts site visits to the various mining projects at specific stages. Typically, DFO will conduct at least one site visit during the exploration phase, and attend the site during operations to observe fish outs, construction of dikes, dewatering, installation of intakes, road watercourse crossings, and diversions to name a few key features. DFO continues to have a Conservation and Protection (Fishery Officer) presence in Iqaluit, and due to the changes to the *Fisheries Act*, Proponents are obligated to report any occurrences.

Barriers or communication/reporting issues challenging participation: None identified.

Opportunities for additional coordination: Opportunities for coordinated monitoring site visits are always welcome.

Please feel free to contact DFO should you have any questions/concerns, or wish to meet.

Regards,

Elizabeth Patreau

Senior Fisheries Protection Biologist | Biologiste Protection des Pêcheries

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Subject: NIRB: Update to Parties Regarding Workshop at Nunavut Mining Symposium

Dear Parties;

Please see the attached correspondence from the Nunavut Impact Review Board regarding the upcoming NIRB-facilitated workshop coordinated with the 2017 Nunavut Mining Symposium. Parties will not be required to provide any formal presentation, but are encouraged to be prepared to make strategic points to the group on issues affecting participation in the monitoring process, barriers or communication/reporting issues currently providing challenges to participation, and opportunities for additional coordination.

Should there be questions regarding the sessions, please direct the comments to Tara Arko, Director of Technical Services with the Nunavut Impact Review Board at tarko@nirb.ca or call 867-983-4611 direct.

Best regards,

Natasha Lear
Environmental Administrator

Nunavut Impact Review Board
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