



301-5204 50th Avenue  
Fish and Fish Habitat Protection Program  
Yellowknife, NT  
X1A 1E2

June 24, 2021

*Your file    Votre référence*  
03MN107/16MN056

*Our file            Notre référence*  
20-HCAA-00275/ 16-HCAA-00370

**Subject:   Whaletail and Meadowbank Project- 2020 Annual Report**

Dear Emily Koide,

The Fish and Fish Habitat Protection Program (the Program) of Fisheries and Oceans Canada (DFO) received your proposal on April 6, 2021. DFO has reviewed the above 2020 Annual Report in regards to its mandate, i.e. the management, protection and conservation of fish and their habitats. The Nunavut Impact Review Board (NIRB) invites parties to respond to the following topics:

1. Effects monitoring
  - Whether the conclusions reached by the Proponent in the 2020 Annual Report are valid; and
  - Any areas of significance requiring further supporting information or any changes to the monitoring program which may be required
2. Compliance monitoring
  - Provide a summary of any compliance monitoring and/or site inspections undertaken in association with the Project, including specifically;
    - Identify the terms and conditions from the Project Certificate which have been incorporated into any permits, certificates, licences or other approvals issued for the Project, where applicable;
  - A summary of any inspections conducted during the 2020 reporting period, and the results of these inspections; and
  - A summary of Agnico Eagle's compliance status with regards to authorizations that have been issued for the Project.

Specifically, DFO has reviewed Appendix 38 - Implementation of Measures to Avoid and Mitigation Serious Harm to Fish, Appendix 44 - Whale Tail 2020 Fish Habitat Offset Monitoring Report, as well as the annual report.

DFO provides the following comments for the NIRBs consideration

1. Effects Monitoring

DFO reviewed the Whale Tail 2020 Fish Habitat Offset Monitoring Report and has concerns over the current ability of the Proponent's monitoring programs to determine if flooding provides suitable habitat and enhances productivity of target species. DFO would like to remind the Proponent that, according to section 5.3.1 of Authorization 20-HCAA-00275, the Proponent shall provide a detailed Impact Analysis of Fish Habitat from Flooding by March 31 2024. The content of this report shall be discussed and approved by DFO (and interested parties) and will be used to establish if the proposed offsetting measures are likely to provide suitable habitat and enhance productivity of target species as identified through consultation. As such, DFO asks that the Proponent contact DFO to discuss the content of the Impact Analysis of fish Habitat from Flooding.

## 2. Compliance Monitoring

No compliance monitoring or site visits were conducted by DFO in 2020.

In regards to the 2020 Fish-out operations, DFO notes that the Proponent consulted with DFO on a daily basis throughout the entire fish-out process. The Proponent consulted with DFO in terms of sampling protocol and specific end points for both the Catch Per Unit Effort Phase and End Phase. The Proponent provided DFO with daily summaries and a final fish-out report, complying with the reporting requirements under DFO's fish collection permits. The Proponent adhered to the General Fish-out Protocol for Lakes and Impoundments in the Northwest Territories and Nunavut and the approved fish-out work plans for the Whale Tail Pit and Whale Tail Pit Expansion Projects. DFO considers the Proponent to be in compliance with this term and condition.

DFO requested that the Proponent provide detailed engineering plans to DFO for review and approval for construction works that have the potential to impact fish and fish habitat, at least 90 days prior to the commencement of the works. DFO would like to remind the Proponent that those plans need to be submitted directly to DFO for approval as per section 2.3.5 of the Fisheries Act Authorization 20-HCAA-00275.

In accordance with term and condition 22 of the Project Certificate, The Proponent shall engage with Fisheries and Oceans Canada to develop project specific thresholds, mitigation and monitoring for any blasting activities that would exceed the requirements of Fisheries and Oceans Canada's Guidelines for the Use of Explosives In or Near Canadian Fisheries Waters. DFO notes that the Proponent exceeded Peak Particle Velocity limits on four (4) occasions, all during the period of egg incubation. The proponent notified DFO following each event, continued monitoring and successfully implemented measures to avoid exceeding the thresholds. DFO asks that the Proponent continues to monitor and notifies DFO in the event of any exceedance in such case, the Proponent should contact DFO immediately to develop and implement a mitigation plan.

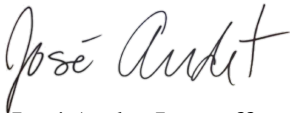
In accordance to term and condition 40, Ship-based Marine Mammal Monitoring Program, the Proponent updated their training materials for their Marine Mammal and Seabird Observer monitoring and provided the information to all captains and bridge

crew of project vessels. The Proponent reported that in 2020 there were no vessel strikes with marine mammals or seabirds. The Proponent is in compliance with this term and condition under DFO's mandate.

DFO will continue to work with the proponent to ensure compliance.

If you have any questions with the content of this letter, please contact Edyta Ratajczyk by email at [edyta.ratajczyk@dfo-mpo.gc.ca](mailto:edyta.ratajczyk@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, reading "José Audet". The signature is fluid and cursive, with the first name "José" and last name "Audet" clearly visible.

José Audet-Lecouffe  
Senior Biologist  
Fish and Fish Habitat Protection Program  
Fisheries and Oceans Canada

CC:

Alasdair Beattie, Fisheries and Oceans Canada  
Edyta Ratajczyk, Fisheries and Oceans Canada