



Arctic / Ontario and Prairies Regions
Fish and Fish Habitat Protection Program
301 – 5204 50th Ave. (Franklin)
Yellowknife, Northwest Territories
X1A 1E2

Régions de l'Arctique / Ontario et Prairies
Programme de protection du poisson et de son habitat
301 – 5204 50th Ave. (Franklin)
Yellowknife, Territoires du Nord-Ouest
X1A 1E2

June 23, 2023

Your file *Votre référence*
03MN107, 16MN056

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

Nunavut Impact Review Board
Attn: Leah Klaassen and Emily Koide
Monitoring Officers
PO Box 1360 (29 Mitik Str.)
Cambridge Bay, NU X0B 0C0

Via email to : info@nirb.ca

Subject: 03MN107 & 16MN056 – Agnico Eagle – Meadowbank Gold Mine and Whale Tail Pit Projects (Meadowbank Complex) – 2022 Annual Monitoring Report

Dear Kelli Gillard,

The Fish and Fish Habitat Protection Program of Fisheries and Oceans Canada (DFO) received your request for comments on April 24, 2023. DFO has reviewed the above 2022 Annual Monitoring Report in regards to its mandate, i.e. the management, protection and conservation of fish and their habitats. The Nunavut Impact Review Board (NIRB) invited parties to respond to the following topics :

1. Effects monitoring
 - a. Whether the conclusions reached by Agnico Eagle in the *2022 Annual Report* are valid; and
 - b. Any areas of significance requiring further supporting information or any changes to the monitoring program which may be required.
2. Compliance Monitoring
 - a. Provide a summary of any compliance monitoring and/or site inspections undertaken in association with the Project, including specifically
 - i. 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;
 - ii. A summary of any inspections conducted during the 2022 reporting period, and the results of these inspections; and

- iii. A summary of Agnico Eagle's compliance status with regard to authorizations that have been issued for the Project.

Specifically, DFO has reviewed the 2022 Meadowbank Complex Annual Report (Performance on Project Certificate Terms and Conditions) and Appendices 1 to 56.

DFO provides the following comments for the NIRB's consideration

1. Effects Monitoring

- a. Whether the conclusions reached by Agnico Eagle in the 2022 Annual Report are valid

DFO is generally agreeable with Agnico Eagle's reporting

- b. Any areas of significance requiring further supporting information or any changes to the monitoring program which may be required.

DFO has the following comments and concerns related to effects monitoring:

Comment Number:	DFO-1
Subject/Topic:	Fish passage at road crossings
References:	Appendix 46: Whale Tail Haul Road Management Plan Version 4 – Section 7.1.2
Comment:	<p>Gap/Issue: Culverts crossing fish bearing waters along the AWAR and WTHR requiring repair maintenance.</p> <p>Annual report does not identify issues with culverts affecting fish passage. Annual report does not provide a plan for repair/replacement.</p>
Conclusion/Request:	Proponent to provide a plan for repair and/or replacement of damaged and obstructed culverts prioritizing repairs to culverts with potential to affect fish passage and those affecting fish and fish habitat along Whale Tail Haul Road and AWAR.

Comment Number:	DFO-2
Subject/Topic:	Location Data of Shipping Vessels

References:	Appendix 39: Meadowbank and Meliadine Mines Marine Mammal and Seabird Report, 2022
Comment:	<p>Gap/Issue : Project Certificates 004, 006, and 008 require vessels supplying the Meadowbank Complex and Meliadine mines to avoid sensitive marine mammal and seabird habitats such as haul-outs and breeding colonies.</p> <p>Ongoing outages for location data of ships - AEM stated in 2020, 2021, and 2022 report that “<i>Additional effort will be made in 2022 to ensure Groupe Desgagnés provides accurate track data to Agnico Eagle</i>”. To this day, vessels continue to have ongoing Automatic Identification System issues lasting 12 hours to several days.</p>
Conclusion/Request:	<p>Proponent to provide additional details on the “<i>Additional effort</i>” being implemented to ensure accurate vessel tracks, and compliance with setbacks from sensitive habitats.</p> <p>Proponent to retrieve the missing information from other sources of information where feasible.</p>

Comment Number:	DFO-3
Subject/Topic:	Marine Mammal Monitoring Program
References:	Appendix 39: Meadowbank and Meliadine Mines Marine Mammal and Seabird Report, 2022
Comment:	Gap/Issue: Current Marine Mammal Monitoring survey efforts (1 survey per day, lasting 1.5-2 hours) are not sufficient for effective marine mammal monitoring
Conclusion/Request:	Proponent to update their marine mammal monitoring protocol and include increased monitoring efforts. This updated protocol

	should be developed by a marine mammal expert, be reviewed and approved by DFO and aim at effectively detecting and avoiding marine mammals during shipping.
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Comment Number:	DFO-4
Subject/Topic:	Aquatic Invasive Species
References:	Shipping Management Plan (Version 4)
Comment:	<p>Gap/Issue: Current monitoring plans do not include a monitoring program for aquatic invasive species.</p> <p>There is a risk of introducing aquatic invasive species through haul contamination from ship coming from Quebec</p>
Conclusion/Request:	Proponent to include a non-Indigenous Species/Aquatic Invasive Species Monitoring Program around zones of higher risk. This monitoring plan should be developed by an expert, be reviewed and approved by DFO and response measure should be added to the shipping management plan.

Comment Number:	DFO-5
Subject/Topic:	Underwater Noise
References:	Shipping Management Plan (Version 4)
Comment:	<p>Gap/Issue: Underwater noise from shipping vessels has the potential to elicit disturbance effects on marine mammals by reducing their ability to travel, communicate, and find food.</p> <p>During the 2022 shipping season, 27 vessels served the project. We currently do not know what noise level and characteristic is produced by those shipping vessels and its potential impact on marine mammals.</p>
Conclusion/Request:	Proponent to monitor and model their noise footprint using expert support. This model should aim at evaluating the impact

	of shipping noise on marine mammals present on the shipping route. The Shipping Management Plan should be updated according to the model.
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2. Compliance Monitoring

- a. Provide a summary of any compliance monitoring and/or site inspections undertaken in association with the Project, including specifically
 - i. Identify the Terms and Conditions from the Project Certificate which have been incorporated into any permits, certificates, licenses or other approvals issued for the Project, where applicable;

For Project Certificate No. 004 Amendment 3, Terms and Conditions 30, 31, 46, 47, 49, 50, 53, 85 were incorporated into Fisheries Act Authorizations

For Project Certificate No. 008 Amendment 1, Terms and Conditions 19, 20, 21, 22, 23, 24, 46, 47, 50, 51 and 52 were incorporated into Fisheries Act Authorizations.
 - ii. A summary of any inspections conducted during the 2022 reporting period, and the results of these inspections

No compliance monitoring or site visits/inspections were conducted by DFO in 2022.
 - iii. A summary of Agnico Eagle's compliance status with regard to authorizations that have been issued for the Project.

The proponent is largely compliant with the terms and conditions that pertain to 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 Chris Shapka by email at Christopher.Shapka@dfo-mpo.gc.ca. Please refer to the file number referenced above when corresponding with the Program.

Sincerely,



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

CC: Alasdair Beattie, Fisheries and Oceans Canada
Chris Shapka, Fisheries and Oceans Canada