



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

July 4, 2023

*Your file*      *Votre référence*  
05MN0476, 12MN001

*Our file*      *Notre référence*  
02-HCAA-CA-00117, 12-HCAA-  
CA7-00012

Nunavut Impact Review Board  
Attn: Kelli Gillard  
Manager, Project Monitoring  
PO Box 1360 (29 Mitik Str.)  
Cambridge Bay, NU X0B 0C0

Via email to : info@nirb.ca

**Subject: 05MN047 & 12MN001 – Agnico Eagle – Doris North Gold Mine and Phase 2 Hope Bay Belt Projects – 2022 Annual Report**

Dear Kelli Gillard,

The Fish and Fish Habitat Protection Program of Fisheries and Oceans Canada (DFO) received your request for comments on May 11, 2023. DFO has reviewed the above 2022 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) 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 Doris North Gold Mine and Phase 2 Hope Bay Belt Projects 2022 Annual Report (Performance on Project Certificate Terms and Conditions) and Appendices A to H.

DFO provides the following comments for the NIRBs 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:

<b>Comment Number:</b>	DFO-1
<b>Subject/Topic:</b>	Underwater Noise
<b>References:</b>	Shipping Management Plan – Section 4
<b>Comment:</b>	<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>Condition 33 of the Project Certificate 009 highlights the actions to be undertaken by the proponent. However, the underwater noise issue, monitoring and mitigation measures have not yet been developed with DFO.</p> <p>The shipping plan also states that:  <i>“Appropriate indicators and thresholds to determine if negative impacts on marine wildlife are occurring will be established after at least two years of data collection”.</i></p>
<b>Conclusion/Request:</b>	<p>Proponent to clarify what data has been collected so far.</p> <p>Proponent to monitor and model their noise footprint using expert support. This model should evaluate the impact(s) of shipping noise on marine mammals present in the shipping route.</p>

	<p>A plan with scheduled work to support this request should be developed with DFO and presented in the 2023 annual report.</p> <p>The Shipping Management Plan including model, sensitive areas, mitigation measures and appropriate indicators and thresholds, should be updated.</p>
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<b>Comment Number:</b>	DFO-2
<b>Subject/Topic:</b>	Summary of Vessel Activity
<b>References:</b>	Shipping Management Plan – Section 5
<b>Comment:</b>	<p>Gap/Issue : The reporting requirements “<i>The annual WMMP Report will include a summary of vessel activity, including tracks of shipping vessels, to verify that shipping routes observed setback distances in sensitive habitat areas (Section 2.2).</i>”</p> <p>The 2023 Wildlife Mitigation and Monitoring Plan (WMMP) and Shipping Management Plan do not include a summary of vessel activity – including tracks of shipping vessels.</p>
<b>Conclusion/Request:</b>	Proponent to provide additional details on project shipping vessel activity, including a summary of vessel activity, with tracks of shipping vessels, to verify that shipping routes observed setback distances in sensitive habitat areas.

<b>Comment Number:</b>	DFO-3
<b>Subject/Topic:</b>	Marine Mammal Monitoring Program
<b>References:</b>	Shipping Management Plan
<b>Comment:</b>	Gap/Issue: Lack of Marine Mammal Monitoring protocol aboard shipping vessels.
<b>Conclusion/Request:</b>	Proponent to implement a marine mammal monitoring protocol for shipping vessels. The 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.

<b>Comment Number:</b>	DFO-4
<b>Subject/Topic:</b>	Aquatic Invasive Species
<b>References:</b>	Shipping Management Plan

<b>Comment:</b>	Gap/Issue: Current shipping management plan does not include a monitoring program for aquatic invasive species.  There is a risk of introducing aquatic invasive species through hull contamination from ships.
<b>Conclusion/Request:</b>	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.

<b>Comment Number:</b>	DFO-5
<b>Subject/Topic:</b>	Appendix on fish and fish habitat
<b>References:</b>	NA
<b>Comment:</b>	Gap/Issue: The Hope Bay Project reporting does not include an appendix specific to fish and fish habitat. Such a report is provided by AEM for the Meadowbank complex and allows Fisheries and Oceans Canada to properly monitor compliance with the <i>Fisheries Act</i>
<b>Conclusion/Request:</b>	Proponent to provide an appendix including, but not limited to: <ul style="list-style-type: none"> <li>• Report on death of fish;</li> <li>• Report on Harmful Alteration, Disruption and Destruction of fish habitat;</li> <li>• Report on fish passage issues;</li> <li>• Fish-out activities;</li> <li>• Measures implemented to avoid and mitigate impacts to fish or fish habitat; and</li> <li>• Offsetting activities.</li> </ul>

## 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. 003, Doris North, Terms and Conditions 29 and 36 were incorporated into Fisheries Act Authorizations

For Project Certificate No. 009 Madrid Boston, Terms and Conditions 4, 11, 12, 13, 14, 15, 16, and 43 were incorporated into Fisheries Act Authorizations

- ii. A summary of any inspections conducted during the 2022 reporting period, and the results of these inspections

DFO conducted a site visit 2-7 August 2022 to the location of potential offset, the Roberts Lake Outflow Fish Enhancement area, and the Doris North mine site. No enforcement actions were taken.

- 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](mailto: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