



Arctic Regions
Fish and Fish Habitat Protection Program
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Yellowknife, Northwest Territories
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Régions de l'Arctique
Programme de protection du poisson et de son habitat
301 – 5204 50th Ave. (Franklin)
Yellowknife, Territoires du Nord-Ouest
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June 20, 2025

Your file *Votre référence*
05MN047, 12MN001

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

Nunavut Impact Review Board
Attn: Keith Morrison
Impact Assessment Officer
PO Box 1360 (29 Mitik Str.)
Cambridge Bay, NU X0B 0C0

Via email to : info@nirb.ca

Subject: 05MN047 & 12MN001 – Agnico Eagle – Hope Bay 2024 Annual Report

Dear Keith Morrison,

The Fish and Fish Habitat Protection Program of Fisheries and Oceans Canada (DFO) received your request for comments on May 23, 2025. DFO has reviewed the above 2024 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 2024 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 2024 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 Hope Bay 2024 Annual Report (Performance on Project Certificate Terms and Conditions) and Appendices A through G.

DFO provides the following comments for the NIRB’s consideration:

1. Effects Monitoring

- a. Whether the conclusions reached by Agnico Eagle in the 2024 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:	Underwater Noise
References:	Shipping Management Plan – Section 4; 2024 Wildlife Mitigation and Monitoring Program Compliance Report
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>Project Certificate 009, Term & Condition 33 highlights the actions to be undertaken by the proponent. However, underwater noise monitoring and mitigation measures have not yet been developed.</p> <p>The Shipping Management Plan was updated in 2024 to address Term & Condition 33 within Project Certificate No 009, to assess potential disturbance to marine wildlife during shipping activity but did not include monitoring requirement for underwater noise. Data collected in 2024 were included in the 2024 WMMP Compliance Report, and included data on marine mammal sightings but did not include data on noise monitoring.</p> <p>According to Term & Condition 33, within Project Certificate No 009, “The Proponent is expected to work with Fisheries and Oceans Canada to determine appropriate indicators and thresholds that can be used to determine if negative impacts on marine wildlife are</p>

	<p>occurring, and adaptive management measures to mitigate adverse impacts of project-related noise”.</p> <p>The 2024 WWMP states that appropriate indicators and thresholds to determine if negative impacts on marine wildlife are occurring will be established after at least 2 years of data collection.</p>
<p>Conclusion/Request:</p>	<p>Monitoring for marine wildlife in Roberts Bay has occurred for 2 years (2023 and 2024 shipping seasons) and as such, DFO expects a proposal outlining the Proponent’s noise monitoring protocol that includes indicators and thresholds for impacts to marine mammals due to vessel noise in Roberts Bay.</p> <p>DFO requests that they be consulted for the design of the noise monitoring plan to ensure that adequate data is being collected to develop appropriate indicators and thresholds. DFO reiterates, that underwater noise modelling, including baseline studies, is an essential component of the monitoring protocol for underwater noise.</p> <p>The Shipping Management Plan should be updated to include noise level monitoring with appropriate indicators and thresholds.</p> <p>DFO looks forward to collaborating with AEM on the marine mammal monitoring plan and for input on indicators and thresholds, mitigation measures, including considerations for underwater noise monitoring.</p>

<p>Comment Number:</p>	<p>DFO-2</p>
<p>Subject/Topic:</p>	<p>Marine Mammal Monitoring Program</p>
<p>References:</p>	<p>Shipping Management Plan Version 3, Appendix AB 2024 Wildlife Mitigation and Monitoring Compliance Report</p>
<p>Comment:</p>	<p>Gap/Issue: No Marine Mammal Observer protocol provided. DFO continues to request a thorough marine mammal monitoring program.</p>
<p>Conclusion/Request:</p>	<p>Proponent to implement a marine mammal observer program aboard shipping vessels. The protocol should be reviewed and approved by DFO and aim at effectively detecting and avoiding marine mammals during shipping.</p>

	<p>An updated marine mammal monitoring protocol must be implemented for all vessels, regardless of the operational status of the mine. The avoidance of sensitive habitat(s) and incidental mammal sightings are not sufficient protocols, to effectively detect and avoid marine mammals during shipping.</p> <p>Current monitoring does not ensure that marine shipping activities avoid adversely impacting marine mammals (Project Certificate No. 009, Term & Condition No.31), and does not “assess the environmental impact of the Project on Wildlife...” (Project Certificate No.003, Term & Condition No. 27), nor adequately “ensure that that marine shipping activities avoid seabirds and marine mammals” (Project Certificate No. 009, Term & Condition No.32)</p> <p>A marine mammal observer should conduct a survey solely dedicated to detecting marine mammals a least once a day, as is common to other vessels in Arctic waters that service mining operations in Nunavut, such as Agnico Eagle Mines Limited’s Meadowbank and Meliadine MMSO protocols.</p> <p>DFO requests the Proponent prioritize marine mammal monitoring when vessels are travelling near identified key habitat for marine mammals along the shipping route. Significant concern is in the Tallurutiup Imanga National Marine Conservation Area.</p> <p>The proponent to work with DFO to develop a updated Shipping Management Plan that includes monitoring measures for marine mammals.</p>
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Comment Number:	DFO-3
Subject/Topic:	Aquatic Invasive Species
References:	Shipping Management Plan Version 3
Comment:	<p>Gap/Issue: Current shipping management plan does not include a monitoring program for aquatic invasive species.</p> <p>There is a risk of introducing aquatic invasive species through hull contamination from ships coming from. The Shipping Management Plan requires the shipping companies contracted to supply the project though the annual sea-lift operations to comply with the Ballast Water</p>

	<p>Regulations, which reduces the risk of invasive species being introduced as a result of shipping activities, but does not eliminate this risk so that monitoring for the occurrence of aquatic invasive species is would be required to confirm this. Ballast water exchange is not 100% effective at preventing the introduction of invasive species.</p> <p>Additionally, both the Ballast Water Regulations and Shipping Management Plans do not address the potential for invasive species introduction via other mechanisms/pathways – ship hull, smaller crafts etc. DFO currently has no information that the current measures in place are effective at preventing invasive/non-native species from entering the environment. A Non-Indigenous Species/Aquatic Invasive Species Monitoring Program for Roberts Bay around zones of higher risk, should be developed in collaboration with subject matter experts and DFO.</p>
<p>Conclusion/Request:</p>	<p>Proponent to consider a Non-Indigenous Species/Aquatic Invasive Species Monitoring Program in alignment with the perceived risk level. After discussions with the proponent and understanding the number of vessels sailing to Roberts Bay, DFO considers Hope Bay shipping a low level of risk.</p> <p>Proponent to provide specific monitoring and mitigation measure that are being conducted, including but not limited to any ballast water treatment, monitoring for aquatic invasive species, and any hull clean-up and maintenance protocols.</p>

<p>Comment Number:</p>	<p>DFO-4</p>
<p>Subject/Topic:</p>	<p>Insufficient Marine Mammal Mitigation Measures</p>
<p>References:</p>	<p>Shipping Management Plan Version 3</p>
<p>Comment:</p>	<p>Gap/Issue: The current marine mammal mitigation measures are insufficient to avoid adversely impacting marine mammals.</p>
<p>Conclusion/Request:</p>	<p>Proponent to provide an updated list of marine mammal mitigation measures in the Shipping Management Plan that includes but is not limited to the following:</p> <ul style="list-style-type: none"> • Adherence to all conditions within the <i>Marine Mammal Regulations</i> (SOR/93-56) of the <i>Fisheries Act</i>,

	<ul style="list-style-type: none"> • 500 m setback distances from marine mammal aggregations, not only seabirds. This mitigation measure should be explicitly stated in the Shipping Management Plan, and communicated to vessel operators, • Adherence to an established vessel-based marine mammal observer program (see DFO comment 2), • Marine mammals will be given the right of way, • Vessels will not approach within 300 m of a walrus or polar bear, • Ships will not separate individual members of a group of marine mammals from other members of the group <p>This request aligns with Project Certificate No. 009, Term and Condition 31 to ensure marine shipping activities avoid adversely impacting seabirds and marine mammals. The request aligns with mitigation measures that are employed on other vessels that service mining operations in Nunavut, such as Agnico Eagle Limited’s Meadowbank and Meliadine mine sites.</p>
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Comment Number:	DFO-5
Subject/Topic:	Guidance Packages for Vessel Operators
References:	Shipping Management Plan Version 3
Comment:	<p>Gap/Issue: The Shipping Management Plan has not been updated since the Proponents annual report submission last year (March 2024). Project Certificate 009, Term & Condition 31 states the information provided to vessel operators shall be updated annually to include new information.</p> <p>Information in the current Shipping Management plan that acts as guidance to vessel operators is insufficient to mitigate adverse impacts to marine mammals.</p>
Conclusion/Request:	<p>Updated marine mammal mitigation measures described in DFO comment 4 should be clearly stated within the guidance for vessel operators.</p> <p>DFO requests to receive all materials that the Proponent provides to the vessel operators that is updated annually with new information as per Project Certificate 009, Term & Condition 31. This should be a thorough information packing describing the marine mammal mitigation</p>

	measures, monitoring requirements, species identification guides, etc.
Comment Number:	DFO-6
Subject/Topic:	Noise Monitoring for the Protection of Fish
References:	2024 Wildlife Mitigation and Monitoring Compliance Report
Comment:	<p>Gap/Issue: Project Certificate 009, Term & Condition 4 states the Noise Abatement Monitoring Plan will address measures to protect fish from mine activity noise and vibration.</p> <p>The Quarry Blasting Noise Monitoring SOP (WMMP Appendix A) only discusses caribou when considering impacts of noise.</p>
Conclusion/Request:	<p>DFO requests the Proponent report noise monitoring in terms of thresholds for impacts on fish and abide by DFO recommended guidance as follows (Cotts and Hanna, 2005):</p> <ul style="list-style-type: none"> • No explosive is to be detonated in or near fish habitat that produces, or is likely to produce, and instantaneous pressure change (IPC) (i.e., overpressure) greater than 50 kPa in the swim bladder of a fish. • No explosive is to be detonated that produces, or is likely to produce, a peak particle velocity (PPV) greater than 13 mm/sec in a spawning bed during the period of egg incubation. <p>DFO also requests to be notified if any exceedances of these thresholds take place during blasting operations.</p> <p>Reference: Cotts, P., and Hanna, B. 2005. Monitoring Explosive-Based Winter Seismic Exploration in Waterbodies, NWT 2000-2002. In Armsworthy, S.L., Cranford, P.J., and Lee, K. <i>Offshore Oil and Gas Environmental Effects Monitoring: Approaches and Technologies</i>. Pgs 493-510. Battelle Press.</p>

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;
 - a. For Project Certificate No. 003, Doris North, Terms and Conditions 29 and 36 were incorporated into Fisheries Act Authorizations.
 - b. 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 2024 reporting period, and the results of these inspections
No compliance monitoring or site visits/inspections were conducted by DFO in 2024.
- 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 Holly Simpson by email at Holly.Simpson@dfo-mpo.gc.ca. Please refer to the file number referenced above when corresponding with the Program.

Sincerely,



Jennifer Loughery
Senior Biologist
Fish and Fish Habitat Protection Program
Fisheries and Oceans Canada

CC:
Holly Simpson, Fisheries and Oceans Canada
José Audet-Lecouffe, Fisheries and Oceans Canada