

**From:** [Kidd, Scott \(he,him,his | il,le,lui\) \(TC/TC\)](#)  
**To:** [nirb.info](#)  
**Subject:** [EXTERNAL] Transport Canada's comments for NIRB 2023 Annual Report - Meadowbank Complex  
**Date:** June 10, 2024 1:58:02 PM

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## UNCLASSIFIED / NON CLASSIFIÉ

Good Day,

In response to the Nunavut Impact Review Board's request of April 29, 2024, Transport Canada has reviewed Agnico Eagle Mine Limited's (AEM) Meadowbank Complex 2023 Annual Monitoring Report. Please note that Transport Canada's review was limited to those areas of the monitoring report that are relevant to the Department's mandate and jurisdiction/areas of expertise.

Transport Canada's comments on the Meliadine Complex 2023 Annual Monitoring Report cover two topic areas:

1. Marine safety and security
2. Transportation of Dangerous Goods (TDG)

### 1. **Marine Safety and Security**

Comment Number:	TC-01
Subject/Topic:	Inspections - Marine Transportation; Oil Handling Facility
References:	2023 Annual Report, Section 11.8: Shipping Management 2023 Annual Report, Appendix 25 Parts 1 and 2: Oil Pollution Emergency Plan
Comment: <ul style="list-style-type: none"><li>• Gap/Issue</li><li>• Disagreement with the Annual Report conclusion</li><li>• Reasons for disagreement with the Annual Report conclusion</li><li>• Disagreement and reasons for disagreement with conclusions within the Additional Documents in the Appendix</li></ul>	<ul style="list-style-type: none"><li>• The oil handling facility is in compliance with regulatory requirements as per part 8 of the <i>Canada Shipping Act, 2001</i>. No inspection was carried out in 2023.</li><li>• The facility is in compliance with the Marine Transportation Security Regulations.</li><li>• Tanker <i>Marlin Hestia</i>, associated with project shipping, was inspected by Transport Canada in 2023 and no deficiencies were noted.</li><li>• No enforcement activity was undertaken</li></ul>

	or required last year by Transport Canada's Marine Safety and Security group.
Conclusion/Request	None

Comment Number:	TC-02
Subject/Topic:	Marine Transportation Spill at Oil Handling Facility
References:	2023 Annual Report, Section 11.8: Shipping Management Section 11.8.4: Ingress/Egress of Ship Cargo NIRB Project Certificate No.008 Condition 43
Comment: <ul style="list-style-type: none"> <li>• Gap/Issue</li> <li>• Disagreement with the Annual Report conclusion</li> <li>• Reasons for disagreement with the Annual Report conclusion</li> <li>• Disagreement and reasons for disagreement with conclusions within the Additional Documents in the Appendix</li> </ul>	<p>At p. 417 of the 2023 Annual Report, AEM provided details of a diesel spill during a ship to shore transfer of fuel on August 27, 2023.</p> <p>Regarding the spill incident, the spill was reported to Transport Canada and our inspector followed up with the Operator. The Oil Handling Facility crews implemented their Oil Pollution Emergency Plan (OPEP), deploying absorbent booms and pads in the affected area. Agnico Eagle subsequently initiated mitigation measures to prevent future punctures to hose lines. At this time, no further follow-up from Transport Canada is required.</p>
Conclusion/Request	None

Comment Number:	TC-03
Subject/Topic:	Small vessel inspections
References:	2023 Annual Report, Section 11.5 Inspections and Compliance Reports
Comment: <ul style="list-style-type: none"> <li>• Gap/Issue</li> <li>• Disagreement with the Annual Report conclusion</li> <li>• Reasons for disagreement with the Annual Report conclusion</li> <li>• Disagreement and reasons for disagreement with conclusions within the Additional Documents in the Appendix</li> </ul>	<p>At pp. 401-402 of the 2023 Annual Report, AEM reported that Transport Canada conducted an inspection of small boats/vessels used at the Meadowbank Complex.</p> <p>Transport Canada notes that all deficiencies identified during the inspection were followed up and completed by AEM.</p>
Conclusion/Request	None

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Comment Number:	TC-04
Subject/Topic:	Marine Transportation – 2024 Annual Notice to Mariners
References:	2023 Annual Report, Section 11.8: Shipping Management
Comment: <ul style="list-style-type: none"> <li>• Gap/Issue</li> <li>• Disagreement with the Annual Report conclusion</li> <li>• Reasons for disagreement with the Annual Report conclusion</li> <li>• Disagreement and reasons for disagreement with conclusions within the Additional Documents in Appendix</li> </ul>	Transport Canada recommends the Proponent make vessel operators serving the Project aware of the 2024 Annual Notice to Mariners, and in particular section A2 Marine Mammal Guidelines and Marine Protected Areas and section 7A Voyage Planning for Vessels Intending to Navigate in Canada's Northern Waters (see: Annual Notice to Mariners at: <a href="https://publications.gc.ca/collections/collection_2024/mpo-dfo/Fs151-4-2024-eng.pdf">https://publications.gc.ca/collections/collection_2024/mpo-dfo/Fs151-4-2024-eng.pdf</a> ).
Conclusion/Request	Transport Canada requests that the above information be brought to AEM's attention.

Comment Number:	TC-05
Subject/Topic:	Shipping Management Plan – Ballast Water
References:	<b>2021</b> Annual Report, Appendix 56: Shipping Management Plan Version 4 (April 2022), Section 7
Comment: <ul style="list-style-type: none"> <li>• Gap/Issue</li> <li>• Disagreement with the Annual Report conclusion</li> <li>• Reasons for disagreement with the Annual Report conclusion</li> <li>• Disagreement and reasons for disagreement with conclusions within the Additional Documents in the Appendix</li> </ul>	<p>An updated Shipping Management Plan was not provided with the 2023 Annual Report. Version 4 of the Shipping Management Plan does not reflect the current requirements of the Ballast Water Regulations (SOR/2021-120).</p> <p>Transport Canada's ballast water exchange and treatment requirements were updated in the Ballast Water Regulations, SOR/2021-120, that came into force on June 3, 2021 and which implement the Ballast Water Management Convention in Canada. Treatment and water quality standards applicable to ballast water discharged within Canada will be coming into effect in 2024 using a phase-in approach until 2024. From the date of entry into force of the Ballast Water Management Convention (September 8, 2017), all vessels must conform to at least the D-1 standard (exchange); and all new vessels, to the D-2 standard (treatment) (refer to</p>

	<p>the infographic attached). Note that Canadian vessels that don't voyage internationally, other than to U.S. Great Lakes waters, or on the high seas need to meet Convention standards and the Ballast Water Regulations no later than September 2024 or September 2030, depending on when they were built.</p> <ul style="list-style-type: none"> <li>• Ballast Water Regulations <a href="https://www.justice.gc.ca/eng/13617e-2021/item2.html">Ballast Water Regulations (justice.gc.ca)</a></li> <li>• <a href="https://tc.canada.ca/en/marine-transportation/marine-safety/list-canada-s-designated-alternate-ballast-water-exchange-area-fresh-waters-tp-13617e-2021#item2">https://tc.canada.ca/en/marine-transportation/marine-safety/list-canada-s-designated-alternate-ballast-water-exchange-area-fresh-waters-tp-13617e-2021#item2</a></li> </ul>
Conclusion/Request	<p>Transport Canada requests that:</p> <ul style="list-style-type: none"> <li>• AEM update Section 7 – Shipping Management Plan be updated to reflect the requirements of the Ballast Water Regulations.</li> <li>• A new version of the Shipping Management Plan be included with the 2024 Annual Report.</li> </ul>

Comment Number:	TC-06
Subject/Topic:	Shipping Management - Biofouling
References:	<b>2021</b> Annual Report, Appendix 56: Shipping Management Plan Version 4 (April 2022), Section 7
<p>Comment:</p> <ul style="list-style-type: none"> <li>• Gap/Issue</li> <li>• Disagreement with the Annual Report conclusion</li> <li>• Reasons for disagreement with the Annual Report conclusion</li> <li>• Disagreement and reasons for disagreement with conclusions within the Additional Documents in the Appendix</li> </ul>	<p>The following is for the information of AEM, NIRB, and reviewers of the 2023 Annual Report on the subject of biofouling:</p> <ul style="list-style-type: none"> <li>• In Fall 2022, Transport Canada published its <a href="https://www.canada.ca/en/transport-canada/services/marine-transportation/marine-safety/list-canada-s-designated-alternate-ballast-water-exchange-area-fresh-waters-tp-13617e-2021#item2">Voluntary Guidance for Relevant Authorities on In-Water Cleaning of Vessels (canada.ca)</a>, which includes a biofouling management plan and biofouling record book templates that have been well regarded internationally. The guidance provides clarity to stakeholders (competent authorities, vessel owners and operators, and in-water clean-up service providers) on recommended best practices that can be used to manage the biosecurity and water quality risks associated with cleaning vessels underwater.</li> <li>• The International Maritime Organization's (IMO) Marine Environment Protection</li> </ul>

	<p>Committee (MEPC) adopted the revised "Guidelines for the Control and Management of Ship's Biofouling to Minimize the Transfer of Invasive Aquatic Species" (<a href="#">Marine Environment Protection Committee (MEPC 80), 3-7 July 2023 – preview (imo.org)</a>). These guidelines provide recommendations on in-water inspections with a focus on the quantitative assessment of biofouling using a biofouling rating number, as well as on observations of the anti-fouling system condition, which will assist vessel owners and operators in minimizing the transfer of potentially harmful aquatic species, following globally agreed guidance.</p>
Conclusion/Request	Transport Canada requests that the above information be brought to AEM's attention.

## 2. Transportation of Dangerous Goods (TDG)

Comment Number:	TC-07
Subject/Topic:	Transportation of Dangerous Goods / Hazardous Materials
References:	<p>2023 Annual Report, 6.1.13 – Hazardous and non-hazardous waste</p> <p>2023 Annual Report, Appendix 21 - Meadowbank 2023 Hazardous and Non-Hazardous Waste Transport Manifest</p>
<p>Comment:</p> <ul style="list-style-type: none"> <li>• Gap/Issue</li> <li>• Disagreement with the Annual Report conclusion</li> <li>• Reasons for disagreement with the Annual Report conclusion</li> <li>• Disagreement and reasons for disagreement with conclusions within the Additional Documents in the Appendix</li> </ul>	<p>At p. 109 of the 2023 Annual Report (Table 6-2), AEM reported that 5,200 kg of lead batteries were recycled, which presumably would have required shipment to the south. Table 6-2 identifies the batteries as a dangerous good. However, when reviewing the Transport Manifest (Appendix 21), Transport Canada could not find a record of the shipment of the lead batteries.</p> <p>Transport Canada's TDG Group will follow up directly with AEM about this matter.</p>
Conclusion/Request	Transport Canada recommends NIRB request that AEM also explain this discrepancy in its response to comments on the 2023 Annual

	Report.
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Comment Number:	TC-08
Subject/Topic:	Transportation of Dangerous Goods / Hazardous Materials
References:	2023 Annual Report, Section 6.1.13 – Hazardous and non-hazardous waste
Comment: <ul style="list-style-type: none"> <li>• Gap/Issue</li> <li>• Disagreement with the Annual Report conclusion</li> <li>• Reasons for disagreement with the Annual Report conclusion</li> <li>• Disagreement and reasons for disagreement with conclusions within the Additional Documents in the Appendix</li> </ul>	No TDG monitoring was carried out at the Meadowbank Complex by Transport Canada in 2023. No complaints/concerns regarding TDG were received by Transport Canada and the Department did not undertake any TDG-related enforcement actions.  Other than the shipping waste manifest, Transport Canada's TDG Group had no other concerns with the 2023 Annual Report.
Conclusion/Request	None

Please follow-up with me if you have any questions about Transport Canada's review of the 2023 Annual Report for the Meadowbank Complex.

Regards,

**Scott Kidd**

Regional Environmental Advisor, Environmental Programs, Prairie and Northern Region

Transport Canada / Government of Canada

[scott.kidd@tc.gc.ca](mailto:scott.kidd@tc.gc.ca) / Tel : 431-334-9682 / TTY : 1-888-675-6863

Régional principal en environnement, Programmes environnementaux, Région des prairies et du nord

Transports Canada / Gouvernement du Canada

[scott.kidd@tc.gc.ca](mailto:scott.kidd@tc.gc.ca) / Tél : 431-334-9682 / ATS : 1-888-675-6863