

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 - Meliadine Mine
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Good Day,

In response to the Nunavut Impact Review Board's request of April 19, 2024, Transport Canada has reviewed Agnico Eagle Mine Limited's (AEM) Meliadine Gold Mine Project 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 Gold Mine Project 2023 Annual Monitoring Report cover four topic areas:

1. Marine safety and security
2. Navigation protection
3. Civil aviation (Meliadine mine flights)
4. Transportation of Dangerous Goods (TDG)

1. **Marine Safety**

Comment Number:	TC-01
Subject/Topic:	Marine Transportation Oil Handling Facility
References:	2023 Annual Report, Section 10.4: Maritime Transportation 2023 Annual Report, Appendix 28-5 and 29: – OPEP and Post Oil
Comment: <ul style="list-style-type: none">• Gap/Issue• Disagreement with the Annual Report conclusion• Reasons for disagreement with the Annual Report conclusion• Disagreement and reasons for disagreement with conclusions within the Additional Documents in the Appendix	<ul style="list-style-type: none">• 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.• The facility is in compliance with the Marine Transportation Security Regulations. The last inspection was carried out in 2023; no deficiencies were identified.• Tanker <i>Marlin Hestia</i>, associated with

	<p>project shipping, was inspected by Transport Canada in 2023, and no deficiencies were noted.</p> <ul style="list-style-type: none"> No enforcement activity was undertaken or required last year by Transport Canada.
Conclusion/Request	None

Comment Number:	TC-02
Subject/Topic:	Marine Transportation – 2024 Annual Notice to Mariners
References:	2023 Annual Report, Section 10.4: Maritime Transportation
Comment: <ul style="list-style-type: none"> Gap/Issue Disagreement with the Annual Report conclusion Reasons for disagreement with the Annual Report conclusion Disagreement and reasons for disagreement with conclusions within the Additional Documents in Appendix 	<p>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 and section 7C Vessels Intending to Navigate in Kitikmeot Region in Canada's Northern Waters (see: Annual Notice to Mariners at: https://publications.gc.ca/collections/collection_2024/mpo-dfo/Fs151-4-2024-eng.pdf).</p>
Conclusion/Request	Transport Canada requests that the above information be brought to AEM's attention.

Comment Number:	TC-03
Subject/Topic:	Shipping Management Plan – Ballast Water
References:	2022 Annual Report, Appendix 32-11: Shipping Management Plan Version 9 (March 2022), Section 7
Comment: <ul style="list-style-type: none"> Gap/Issue Disagreement with the Annual Report conclusion Reasons for disagreement with the Annual Report conclusion Disagreement and reasons for disagreement with conclusions within the Additional Documents in the Appendix 	<p>An updated Shipping Management Plan was not provided with the 2023 Annual Report. Version 9 of the Shipping Management Plan does not reflect the current requirements of the Ballast Water Regulations (SOR/2021-120).</p> <ul style="list-style-type: none"> 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 23, 2021. Treatment and water quality standards applicable to ballast water discharged within Canada will be coming into effect in 2024 using a phase-in approach from 2019 to 2024. From the date of entry into force of the Ballast Water Management

	<p>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 the infographic attached).</p> <p>Note that Canadian vessels that don't voyage internationally, other than to U.S. Great Lakes ports, need to meet Convention standards at launch, in 2024 or in 2030 depending on when they were built.</p> <ul style="list-style-type: none"> ◦ Ballast Water Regulations Ballast Water Regulations (justice.gc.ca) ◦ https://tc.canada.ca/en/marine-transportation/marine-safety/list-canada-s-designated-alternate-ballast-water-exchange-area-fresh-waters-tp-13617e-2021#item2
Conclusion/Request	<p>Transport Canada requests that:</p> <ul style="list-style-type: none"> • AEM update Section 7 – Shipping Management Plan be updated to reflect the requirements of the Ballast Water Regulations. • A new version of the Shipping Management Plan be included with the 2024 Annual Report.

Comment Number:	TC-04
Subject/Topic:	Shipping Management - Biofouling
References:	2022 Annual Report, Appendix 32-11: Shipping Management Plan Version 9 (March 2022), Section 7
<p>Comment:</p> <ul style="list-style-type: none"> • Gap/Issue • Disagreement with the Annual Report conclusion • Reasons for disagreement with the Annual Report conclusion • Disagreement and reasons for disagreement with conclusions within the Additional Documents in the Appendix 	<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"> • In Fall 2022, Transport Canada published its Voluntary Guidance for Relevant Authorities on In-Water Cleaning of Vessels (canada.ca), 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

	<p>underwater.</p> <ul style="list-style-type: none"> The International Maritime Organization's (IMO) Marine Environment Protection Committee (MEPC) adopted the revised "Guidelines for the Control and Management of Ship's Biofouling to Minimize the Transfer of Invasive Aquatic Species" (Marine Environment Protection Committee (MEPC 80), 3-7 July 2023 – preview (imo.org)). 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.
Conclusion/Request	Transport Canada requests that the above information be brought to AEM's attention.

2. Navigation Protection

Comment Number:	TC-05
Subject/Topic:	Permits – Navigation Protection Program
References:	2023 Annual Report, Section 10.1: Active Permits – Table 29
<p>Comment:</p> <ul style="list-style-type: none"> Gap/Issue Disagreement with the Annual Report conclusion Reasons for disagreement with the Annual Report conclusion Disagreement and reasons for disagreement with conclusions within the Additional Documents in the Appendix 	<p>Transport Canada's Navigation Protection Program (NPP) has issued two approvals for works associated with the Project:</p> <ul style="list-style-type: none"> 2010-600573 - Bridge Meliadine River 2019-600003 – Outfall/diffuser, Melvin Bay <p>Transport Canada notes these approvals are not listed in Table 29 - List of active permits and authorizations for Meliadine.</p> <p>Regarding the two approvals and the Project:</p> <ul style="list-style-type: none"> NPP received no complaints about navigation related to the project in 2023. NPP did not carry out any inspections for the project in 2023.
Conclusion/Request	Transport Canada requests that the above two

	approvals be added to the list of active permits for the project.
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3. Civil Aviation

Comment Number:	TC-06
Subject/Topic:	Mine aerodrome
References:	NIRB Project Certificate No. 006 Term and Condition #70
Comment: <ul style="list-style-type: none"> • Gap/Issue • Disagreement with the Annual Report conclusion • Reasons for disagreement with the Annual Report conclusion • Disagreement and reasons for disagreement with conclusions within the Additional Documents in the Appendix 	<ul style="list-style-type: none"> • Term and Condition #70 deals with flight altitudes to and from the Meliadine Mine aerodrome. Transport Canada did not receive any complaints related to this aerodrome in 2023. • Transport Canada did not conduct any site inspections or enforcement activities related to the Meliadine Mine aerodrome in 2023.
Conclusion/Request	None

4. Transportation of Dangerous Goods (TDG)

Comment Number:	TC-07
Subject/Topic:	Transportation of Dangerous Goods / Hazardous Materials
References:	2023 Annual Report, Section 5 - Waste Management Activities 2023 Annual Report, Section - 10.1 Inspections
Comment: <ul style="list-style-type: none"> • Gap/Issue • Disagreement with the Annual Report conclusion • Reasons for disagreement with the Annual Report conclusion • Disagreement and reasons for disagreement with conclusions within the Additional Documents in the Appendix 	<p>At p. 112 of the 2023 Annual Report, AEM reported that Transport Canada conducted an inspection to verify compliance with the Transportation of Dangerous Goods Regulations.</p> <p>Transport Canada confirms that AEM's reporting of the inspection and outcome are accurate.</p> <p>AEM has liaised directly with Transport Canada regarding corrective measures.</p>
Conclusion/Request	None

Comment Number:	TC-08

Subject/Topic:	Transportation of Dangerous Goods / Hazardous Materials
References:	2023 Annual Report, Section 5 - Waste Management Activities
Comment: <ul style="list-style-type: none"> • Gap/Issue • Disagreement with the Annual Report conclusion • Reasons for disagreement with the Annual Report conclusion • Disagreement and reasons for disagreement with conclusions within the Additional Documents in the Appendix 	<p>Transport Canada reviewed the shipping waste manifest that was provided to Transport Canada by AEM separately from 2023 Annual Report. Transport Canada notes the documentation does not comply with requirements set out in the Transportation of Dangerous Goods Regulation. Transport Canada's TDG Group will follow up directly with AEM about this matter.</p> <p>Other than what was reported in Comment Number TC-07, no other type of TDG monitoring was carried out by Transport Canada in 2023. No complaints/concerns regarding TDG were received. No other enforcement action was done.</p> <p>Other than the shipping waste manifest, Transport Canada's TDG Group had no other concerns with the 2023 Annual Report.</p>
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 Meliadine Mine.

Regards,

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