

July 15th, 2024

Nunavut Impact Review Board
P.O. Box 1360 Cambridge Bay
Nunavut NU X0B 0C0

**RE: Opportunity to Address Comments Received for Agnico Eagle Mines Limited's
*Meliadine Gold Mine Project 2023 Annual Report***

Agnico Eagle Mines Limited (Agnico Eagle) thanks the Nunavut Impact Review Board (NIRB) for the opportunity to address comments received for Agnico Eagle's Meliadine Gold Mine 2023 Annual Report.

The following information and comments are intended to address comments outlined in the below referenced letter:

240620-11MN034-Revised DFO Comments Re 2023 Annual Report-IMRE

Should you have any questions or require further information, please do not hesitate to contact us.

With my best regards,



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Fisheries and Oceans Canada (DFO)

DFO-1: Culverts

Comment

Some culverts on the AWAR and Rankin Inlet Bypass Road are undersized for flow and more than half of the culverts inspected show signs of erosion. The roads (AWAR and Rankin Inlet Bypass Road) are blocking flow causing ponding of water at identified locations.

The Annual report identifies for work in 2024, Culverts 7 and 10 along the AWAR and Culvert 11 along the Rankin Inlet Bypass Road as requiring replacement to ensure fish passage and one additional location along the AWAR (near KM 15) requiring further fish habitat assessment. As work is ongoing and planned for 2024, DFO notes the importance of maintaining fish passage through these watercourses and looks forward to reviewing this work when it is completed.

Agnico Eagle Answer

Agnico Eagle thanks DFO for their comment and confirms the work for replacement of Culverts 7 and 10 along the AWAR, and Culvert 11 along the Bypass Road is planned for 2024. The as-built report for this work will be submitted to the NWB as per the Water Licence.

As for the fish habitat assessment near KM15, it will also be conducted in 2024 and reported on in the 2024 Annual Report. Agnico Eagle will continue to keep DFO apprised of work progress at this location.

DFO-2: Location Data of Shipping Vessels

Comment

This item was identified in the review of the 2022 Annual Report but was not addressed in the 2023 Annual Report. It remains a concern for DFO.

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.

Ongoing outages for location data of ships has been an issue - AEM has previously stated that "Additional effort will be made to ensure Groupe Desgagnés provides accurate track data to Agnico Eagle". However, vessels have had AIS issues lasting 12 hours to several days. The 2023 Annual Report did not contain the vessel tracking data so it is uncertain if this issue persists.

Conclusion/Request

Proponent to provide additional details on the "Additional effort" being implemented to ensure accurate vessel tracks, and compliance with setbacks from sensitive habitats.

Proponent to provide a summary of satellite outages and missing location data for 2023 shipping.

Agnico Eagle Answer

As per Agnico Eagle's response to the 2022 Annual Report Comments (DFO-3) and as reported in the 2023 Marine Mammal and Seabird Annual Report, Agnico Eagle acquires archived AIS data from Vesseltracker, a commercial AIS supplier that aggregates AIS data from satellite and shore-based stations. These data vary in frequency based on distance from shore, location of

shore-based stations, and position of satellites. In some cases, AIS position data is available on an hourly or sub-hourly basis, but in other cases, position data can be 12 hours or more between fixes, due to the scarcity of satellites over remote areas such as the Arctic. As the position data is one fixed point in time using satellite AIS data, it is not possible to summarize “outages”, but can provide a summary on the frequency of location fixes. Agnico Eagle has reviewed the location data for the 11 vessels (23 inbound trips) from 2023 to provide a summary of these gaps in location data, provided below:

- In total, the 2023 data contained 1,961 location fixes over the 23 trips.
- There was an average of 85 location fixes per journey, with a range of 26 to 255.
- Excluding location fixes when the vessels were anchored, and only considering the vessel tracks while underway, there was an average of 22 fixes per journey, ranging from 5 to 82.
- The total time vessels spent in the study area averaged 21 days (often times anchored for long periods of time), ranging from 8 to 80 days, with the average number of locations fixes per day ranging among vessels from 1.8 to 5.9 (minimum of 1 and maximum of 13).

The frequency of fixes is beyond the control of Agnico Eagle, as it is often due to a “gap” in satellite availability over the location of the vessel in the Arctic at the time. As reported in the 2023 Marine Mammal and Seabird Annual Report, where AIS data was recorded frequently (every hour), vessel tracks avoided the setback areas. However, in some cases, the AIS data was recorded less frequently (every 6 to 12 hours). For example, during a vessel trip by the Marlin Hestia in September, no positions were recorded over two days between September 16 and September 18; therefore, the vessel track appears as a straight line going directly across Coats Island, while in fact the vessel traveled south of Coats Island, after confirming this information with the vessel captain. In October, the Kivalliq W. appears to cross over Southampton Island, as no positions were recorded over 24 hours, and the vessel made a stop in the community of Coral Harbour. Due to the poor resolution of these data, information (e.g., route, setbacks) regarding these trips cannot be extrapolated with confidence.

In all cases where it appears that vessels may have intersected setbacks, Agnico Eagle investigates the point locations further, as per Section 3.1.1 of the Marine Mammal and Seabird Annual Report. In 2023, it was noted that the same vessel entered the 2 km Marble Island buffer on two occasions (once in August, and once in October). Prior to the 2024 shipping season, vessel captains were reminded of the importance of maintaining a 2 km buffer around Marble Island.

Agnico Eagle continues to investigate alternative commercial AIS suppliers regularly; however, Vesseltracker remains the most reliable in the Arctic at this time. Agnico Eagle continues to train contracted shipping companies regularly and to remind them of the importance of maintaining sensitive habitat buffers. Indeed, meetings take place prior to the start of the shipping season and throughout the season each year, during which the mitigation measures and shipping requirements are discussed. A post-mortem meeting is also conducted after the shipping season is completed.

DFO-3: Marine Mammal Monitoring Program

Comment

This item was identified in the review of the 2022 Annual Report but was not addressed in the 2023 Annual Report. It remains a concern for DFO.

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

DFO to work with the proponent to update their marine mammal monitoring protocol and include increased monitoring efforts.

Agnico Eagle Answer

Agnico Eagle thanks DFO for their comment and wishes to reiterate that Agnico Eagle is operating as per its approved Shipping Management Plan and Marine Mammal Monitoring Protocol.

As per Agnico Eagle's responses to the 2022 Annual Report Comments and as mentioned in the 2023 Annual Report, the protocol is for a dedicated MMSO to complete a minimum of one survey per day, however two or three surveys daily is preferred when timing allows, with each marine mammal survey lasting for a minimum of 1.5 hours to not more than two hours to mitigate observer fatigue and eyestrain. The marine mammal monitoring program is well implemented, with more than one dedicated marine mammal survey per day being frequently conducted during shipping.

In addition, crew members are always scanning for marine mammals. If a marine mammal is observed during the voyage outside of the dedicated marine mammal observation period (i.e., off-effort), this is recorded as an incidental sighting, and any mitigation required to avoid marine mammals during shipping is recorded and reported in the annual report.

Further and as reported in previous Marine Mammal and Seabird Annual Report reports, no interactions (e.g., strikes) between vessels and marine mammals or seabirds were recorded by the shipping companies in 2023 or in previous years, demonstrating the current monitoring program is adequate to prevent interactions with wildlife.

Agnico Eagle is available to discuss with DFO at their convenience.

DFO-4: Aquatic Invasive Species

Comment

This item was identified in the review of the 2022 Annual Report but was not addressed in the 2023 Annual Report. It remains a concern for DFO.

Current monitoring plans do not include a monitoring program for aquatic invasive species.

There is a risk of introducing aquatic invasive species through haul contamination from ships coming from Quebec. The Shipping Management Plan requires the shipping companies contracted to supply the Meliadine Mine through the annual sea-lift operations to comply with the Ballast Water 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 would be required to confirm this.

Conclusion/Request

Proponent to consider a non-Indigenous Species/Aquatic Invasive Species Monitoring Program around zones of higher risk.

Proponent to provide specific monitoring and mitigation measures that are being conducted, including but not limited to any ballast water treatment, monitoring for aquatic invasive species, any haul clean-up and maintenance protocols, etc.

Agnico Eagle Answer

As per Agnico Eagle's response to DFO-5 comment on the 2022 Annual Report, Agnico Eagle contracts shipping companies that comply with all applicable regulations, including the Ballast Water Regulations, which reduces the risk of invasive species being introduced as a result of mine related shipping activities.

Under the Ballast Water Regulations, all vessels are required to have a Ballast Water Management Plan. The Ballast Water Management Plan is written in accordance with the requirements of Regulation B-1 of the International Convention for the Control and Management of Vessels' Ballast Water and Sediments and aims to prevent, minimize, and ultimately eliminate the risk of introducing harmful aquatic organisms and pathogens from vessels' ballast water and associated sediments, while protecting vessel's safety.

Agnico Eagle contracts Transport Canada certified shipping companies that are using standard and acceptable practices common for all vessels in the Canadian Arctic, complying with the requirements and shipping regulations related to the concerns DFO has expressed, including Project Certificate Terms and Conditions, the Shipping Act, the and the Ballast Water Regulations. Agnico Eagle feels this issue is resolved.

DFO-5: Underwater Noise

Comment

This item was identified in the review of the 2022 Annual Report but was not addressed in the 2023 Annual Report. It remains a concern for DFO.

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.

During the 2023 shipping season, 23 vessel trips served the project. We currently do not know what noise level and characteristic is produced by those shipping vessels and the potential impact on marine mammals.

The FEIS predicted the residual environmental effect of a change in marine mammal behaviour as a result of Project vessel noise to be low in magnitude, However there is no monitoring of noise levels to confirm this.

Conclusion/Request

DFO to work with the 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. A Shipping Management Plan should be updated according to the model.

Agnico Eagle Answer

Agnico Eagle would like to note that discussion was already initiated between Agnico Eagle and DFO on the topic of underwater noise monitoring.

As previously communicated to DFO, Agnico Eagle is willing to participate in a committee led by DFO and including all relevant stakeholders involved with shipping activities in Nunavut.

DFO-6: Appendix on fish and fish habitat

Comment

The Hope Bay Project reporting would benefit from the inclusion of an appendix specific to fish and fish habitat, similar to that provided by AEM for the Meadowbank complex. This would allow Fisheries and Oceans Canada to more efficiently review relevant information in the annual report, including compliance with the Fisheries Act.

Conclusion/Request

Proponent to provide an appendix including, but not limited to:

- Report on death of fish;
- Report on Harmful Alteration, Disruption and Destruction of fish habitat;
- Report on fish passage issues;
- Fish-out activities;
- Measures implemented to avoid and mitigate impacts to fish or fish habitat; and
- Offsetting activities.

Agnico Eagle Answer

Agnico Eagle thanks DFO for their comment and assumes DFO is referring to the Meliadine Mine reporting and not the Hope Bay Project as stated. Agnico Eagle would like to note the referred Appendix for the Meadowbank Complex Annual Report is provided in accordance with the Fisheries Act Authorizations (FAAs) for the Meadowbank Complex. When an FAA is issued for the Meliadine Mine, Agnico Eagle will include an Appendix specific to fish and fish habitat in future Annual Reports.

For 2023, Agnico Eagle would like to refer DFO to information provided in Section 7.5 of the 2023 Annual Report for the work conducted under Letter of Advice 23-HCAA-00223.