



May 23, 2023

Nunavut Impact Review Board
Karen Costello, Executive Director
Cambridge Bay, NU

Re: Additional Information Required by NIRB on the Meliadine Extension Proposal

Dear Ms. Costello,

Agnico Eagle Mines Limited (Agnico Eagle) is providing an update to address the Nunavut Impact Review Board's (NIRB) request as outlined in the April 3, 2023 *Update to the Nunavut Impact Review Board's Pre-Hearing Conference Decision Agnico Eagle Mines Limited's "Meliadine Extension" Project Proposal* (Decision Report). Specifically, the additional information required from the NIRB is as follows:

With respect to scheduling the Public Hearing, the Board has identified that the following additional information is required from Agnico Eagle in order for the Board and parties to meaningfully conduct the assessment of the Extension Proposal:

- *Updated information regarding caribou movement on the mine site to reflect the data now shared by GN, the location of the wind turbines, and the intensification of the operations that would occur during the Extension Proposal;*
- *More detailed information regarding Agnico Eagle's selection criteria applicable to the selection of the location for the windfarm, including whether any alternative locations closer to Rankin Inlet were considered and whether alternative locations as proposed by KIA or KHTO were considered;*
- *Summary of discussions between Agnico Eagle and parties, key studies, required updated modelling, and any information needed to understand potential impacts regarding the alternative for in-pit waste rock and tailings deposition;*
- *An updated water quality and water balance model, specifically addressing the anticipated discharges to Meliadine Lake; and*
- *Barriers to Female Employment Study.*

In Agnico Eagle's opinion, we have provided sufficient evidence to address the NIRB's request outlined in the Decision Report. The following sections discuss 1) additional information requested; 2) commitment status update and other items; and 3) procedural matters.

1. Additional Information Requested by NIRB

1.1 Caribou

The Additional Information Requested by NIRB in the Decision Report regarding caribou was:

Updated information regarding caribou movement on the mine site to reflect the data now shared by GN, the location of the wind turbines, and the intensification of the operations that would occur during the Extension Proposal

To address the request made by the NIRB, Agnico Eagle is providing multiple documents to support the Meliadine Extension Proposal:

Technical Comment	Information Provided	Attachment
GN-TRC-6 KivIA-TC-1	Caribou Heat Map <ul style="list-style-type: none"> Provides Qamanirjuaq Caribou Brownian Bridge Movement Models for calving, post-calving, and summer 	Attachment A
GN-TRC-5/9/11 KivIA-TC-2 SFDN-TC-1/4	Habitat Loss Calculations <ul style="list-style-type: none"> Provides an update area for loss calculations and effects assessment using collar data for calving, post-calving, and summer. Conclusion provided within Attachment B note that with the additional analysis, the assessment of direct and indirect effects to caribou habitat using multiple ways have arrived at the same conclusion which increases confidence in the assessment and that effects predictions are conservative. 	Attachment B
KivIA-TRC-03 GN-TRC-09 GN-TRC-10 Commitment 6	Windfarm Management Plan with an Adaptive Management Plan for Caribou <ul style="list-style-type: none"> Provides more details regarding the management and monitoring of caribou around the windfarm, in addition to proposed thresholds for triggering adaptive management 	Attachment C

Further to the documents provided with this submission, Agnico Eagle has been working with parties including the Kivalliq Inuit Association (KivIA), Sayisi Dene First Nation and Northlands Denesuline First Nation (SDFN/NDFN), Athabasca Denesuline Né Né Land Corporation (ADNLC), and the Government of Nunavut (GN) to resolve outstanding technical issues regarding caribou. On April 12, 2023 a workshop on this topic was held in Winnipeg between Agnico Eagle and parties. A second caribou workshop is scheduled for June 29, 2023 in Rankin Inlet for parties to finalize their comments on our documents submitted as part of this submission.

As confirmed by the above, Agnico Eagle has now fulfilled this information request outlined in the Decision Report and the NIRB now has sufficient information to proceed with Public Hearing as scheduled for September 12-20, 2023.

1.2 Windfarm

The Additional Information Requested by NIRB in the Decision Report regarding the windfarm was:

More detailed information regarding Agnico Eagle's selection criteria applicable to the selection of the location for the windfarm, including whether any alternative locations closer to Rankin Inlet were considered and whether alternative locations as proposed by KIA or KHTO were considered

Agnico Eagle has provided a memorandum in Attachment D that addresses the criteria (i.e., environmental and social impacts, technological constraints, restricted zones and costs) used to choose the placement of the wind turbines next to the Meliadine Mine and an alternative location of the windfarm closer to Rankin Inlet, as well as the pros and cons of both proposed locations. As confirmed in the memorandum provided in Attachment D, placement of the windfarm next to the Meliadine Mine continues to be the recommended option. We have also provided an updated Windfarm Management Plan (Attachment C) that provides details of the specific and robust measures that will be in place to protect caribou in relation to the windfarm.

Agnico Eagle has now fulfilled this information request outlined in the Decision Report and the NIRB now has sufficient information to proceed with Public Hearing as scheduled for September 12-20, 2023.

1.3 Water Management

The Additional Information Requested by NIRB in the Decision Report regarding the discharge to Meliadine Lake was:

An updated water quality and water balance model, specifically addressing the anticipated discharges to Meliadine Lake

The KivIA and Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) had technical comments and concerns regarding the discharge to Meliadine Lake. Agnico Eagle has made significant progress and has provided supplemental analysis to parties since the Technical Meeting to address relevant concerns. Agnico Eagle has continued to have conversations with the KivIA and CIRNAC to discuss technical comments related to Term and Condition 25a and the efforts that Agnico Eagle has made to minimize discharges to Meliadine Lake (per Project Certificate No.006 Amendment 002) since the Meliadine Extension FEIS Addendum was submitted. An overview of these discussions and an update on discharge to Meliadine Lake is provided in Attachment E.

Further to CIRNAC's submission on March 15, 2023 "*From a technical point of view CIRNAC has concluded that this issue is classified as resolved as the volumetric discharges to Meliadine Lake under the extension are less than those that were assessed under the 2014 FEIS. As such, it is CIRNAC's opinion that the activity was already approved under the existing project certificate*"¹. This submission is available on NIRB Public Registry ID: 344156. Agnico Eagle confirms discharges to Meliadine Lake will remain below the 2014 FEIS volume and anticipates that specific details of discharge to Meliadine Lake will continue to be regulated under the Water Licence. As such, no further information is required on this topic as part of the NIRB Meliadine Extension environmental assessment.

¹ Email dated March 15, 2023 from CIRNAC to Agnico Eagle re: CIRNAC comments on NIRB commitments

Agnico Eagle appreciates the concern of the KivIA on the subject, and understands the concern the KivIA hears from some community members regarding the ongoing approved discharge of water to Meliadine Lake. Agnico Eagle reiterates that Meliadine Lake continues to be healthy, ecological function is maintained, water is safe, and fish are safe to eat. Agnico Eagle has reiterated that evidence of the health of the lake is continually reported in the Annual Report and also validated with our predictions as evidence for the Meliadine Extension application.

Representatives from Agnico Eagle met on May 8, 2023 with members of the HTO, CLARC, cabin owners committee, and KivIA, and on May 9, 2023 with Rankin Inlet Elders to explain how water is managed at site and do a tea tasting activity. The purpose of the site visit was for Agnico Eagle to provide further clarification on how water is collected, treated, discharged, and monitored at Meliadine and to answer any questions and collect feedback. Attachment F provides a summary and outcome of the water management site visits. Overall, the site visit was informative and comments received from participants were positive regarding the tea tasting activity, which used water from Meliadine Lake (i.e., untreated) and camp water (i.e., treated water from Meliadine Lake) as part of the tea tasting activity.

As presented in Attachment E, Agnico Eagle has continued to work closely with the KivIA to provide additional and sufficient information to allow them to conduct a complete review and provide meaningful comments and recommendations with respect to minimizing discharges to Meliadine Lake for the proposed Meliadine Extension. More precisely, the water balance and water quality model was updated to incorporate the comments and recommendations received from the KivIA and other intervenors. An updated water balance and water quality model is appended to Attachment E; this same information was presented in the Meliadine Extension Completeness Check Review submitted to the NWB on March 6, 2023. Agnico Eagle looks forward to further discussions on this topic as part of the Water Licence Amendment Process.

Agnico Eagle has now fulfilled this information request outlined in the Decision Report and the NIRB now has sufficient information to proceed with Public Hearing as scheduled for September 12-20, 2023.

1.4 In-pit Deposition

The Additional Information Requested by NIRB in the Decision Report regarding in-pit deposition was:

Summary of discussions between Agnico Eagle and parties, key studies, required updated modelling, and any information needed to understand potential impacts regarding the alternative for in-pit waste rock and tailings deposition;

An overview of meetings and discussions held, as well as all studies submitted to support in-pit deposition of waste rock and tailings is provided in Attachment G. Agnico Eagle has made significant progress to advance the understanding of in-pit deposition and has provided multiple supplemental analysis to parties since the Technical Meeting. Government of Canada (i.e., CIRNAC, Environment and Climate Change Canada [ECCC], and Natural Resources Canada [NRCan]) has acknowledged support of the conclusions presented that deposition of tailings and waste rock in mined-out pits is unlikely to result in significant adverse impacts and offers an environmental enhancement, if appropriate analysis are completed prior to deposition and appropriate controls are implemented.

On May 2, 2023, the KivIA communicated to Agnico Eagle that they will be following CIRNAC's recommendations on the Meliadine Extension file for the in-pit deposition alternative. Therefore, Agnico Eagle considers all comments and recommendations from KivIA related to in-pit deposition resolved.

A general term and condition could be included in the Amended Project Certificate for Meliadine Extension which outlines the specific future information that would be submitted to the NWB should in-pit deposition proceed in the future. Detailed terms and conditions applicable to potential future in-pit deposition would be included in the Type A Water Licence at the end of the NWB process. Based on productive discussions between Agnico Eagle and CIRNAC, an appropriate term and condition has been agreed on and is summarized in Attachment H for NIRB's consideration.

Agnico Eagle has now fulfilled this information request outlined in the Decision Report and the NIRB now has sufficient information to proceed with Public Hearing as scheduled for September 12-20, 2023.

1.5 Barriers to Female Employment Study

The Additional Information Requested by NIRB in the Decision Report regarding barriers to female employment was:

Barriers to Female Employment Study

Agnico Eagle provided the GN with our proposed path forward for resolution of GN-TRC-12 and they have confirmed they are in agreement with our proposed path forward, as provided in Attachment I.

2. Updated Commitment List and Other Items

2.1 Commitment List

Agnico Eagle has provided an updated commitment list as of May 23, 2023 in Attachment J.

Of the total of 59 commitments made by Agnico Eagle, 96% of the commitments are resolved with two outstanding commitments. The first outstanding commitment is related to the caribou telemetry analysis and will be finalized by July 17, 2023 (Commitment 56 in the attached list). The second outstanding commitment is the for inclusion of a new gender-specific focus of the IWBS and will include identifying barriers to female employees for employment, retainment, and career advancement (Commitment 59 in the attached list, and as noted in Attachment I) which will be provided to the GN by August 31, 2023.

The following table provides a summary of the commitments made by Agnico Eagle over duration of the current NIRB environmental assessment review process.

Commitment Stage	Commitment As of Date	No. of New Commitments Made
Pre-Technical Meeting	November 21, 2022	18
Conclusion of Technical Meeting	December 15, 2022	31
Pre-hearing Conference Decision Report	January 31, 2023	4
Conclusion of March Pre-hearing Conference	March 23, 2023	5
May 23 NIRB Submission	May 23, 2023	1
Total Number of Commitments		59

2.2 Kivalliq Inuit Association's Additional Questions Regarding Caribou Movement

On November 27, 2022, Agnico Eagle received some additional technical questions from the KivA relating to caribou movement through the local study area and regional study area. These questions are addressed and provided in Attachment K.

2.3 Updates on Progress Towards Resolution of Fisheries and Oceans Canada's Technical Comments

Agnico Eagle has made significant progress with DFO to resolve the outstanding technical comments, which Agnico Eagle understands to be all resolved except for the potential downstream effects. However, Attachment L was provided to DFO and confirms the reduction in discharges that is expected. The overall change would be approximately 2.2%, where 80% of the change would go to the Meliadine River and 20% of the change would go to the Diana River. Changes to the Diana River would be 0.66% corresponding to less than 1 cm water level. Overall, these changes in water levels are negligible and not expected to be measurable. Based on the evidence provided to DFO, all technical comments are considered resolved for NIRB environmental assessment purposes.

2.4 Impact of Noise of Windfarm on Caribou

Agnico Eagle received a request during the caribou workshop held on April 12, 2023 in Winnipeg, Manitoba, to develop decay curves for low frequency noise related to wind turbines, including thresholds based on literature. Based on the analysis presented in Attachment M, caribou are unlikely to detect low frequency noise from wind turbines at distances greater than 1 km (for the 31.5 Hz octave band) and 2.5 km (for the 63 Hz octave band).

2.5 Sayisi Dene First Nation and Northlands Denesuline First Nation Request for Pre-Construction Imagery

Agnico Eagle has provided pre-construction imagery of the Meliadine Extension locations of the proposed wind turbines, waste rock storage pits, and borrow pits would be located (Attachment N) and schematics of the Discovery waterline in Attachment O.

2.6 Temporary Storage of Saline and Contact Water

During the November 2022 Technical Meeting, CIRNAC and NRCAN requested that additional information be provided for the alternative to store saline and contact water in pits. The documentation was issued to NIRB on January 30, 2023 through Commitment 19. Following this submission, NRCAN, who are permafrost and hydrogeological experts, considered this TRC resolved.

On February 28, 2023, NIRB provided a letter with Government of Canada's response to Comments Request, where CIRNAC acknowledged that Agnico Eagle provided additional information and clarifications prior to, and during an in-person workshop that took place on February 6, 2023 between CIRNAC, KivIA, NRCAN, ECCC, and Agnico Eagle. In this letter, CIRNAC considered the information provided to be adequate for Environmental Assessment purposes.

CIRNAC provided a letter on March 15, 2023 to the NIRB regarding the status of all TRCs. Within the letter, CIRNAC stated that they considered the TRC related to the temporary storage of saline and contact water resolved for the purpose of the Environmental Assessment, provided that Agnico Eagle commits to submit additional information during subsequent Water Licensing processes and that appropriate terms and conditions are developed. This letter was sent to Agnico Eagle by the NIRB on April 12, 2023.

Agnico Eagle respectfully submits that storage of saline and contact water is permitted under Type A Water Licence 2AM-MEL1631. Agnico Eagle has been temporarily storing water, primarily saline water, at the Meliadine Mine in "saline ponds" or pits since 2016, as presented in the Water Management Plan, Groundwater Management Plan, and Adaptive Management Plan. Details of these activities are included

in the Annual Reports. As such, no additional information or conditions are required prior to utilization of pits for temporary storage of water.

3. Procedural Matters

Agnico Eagle appreciates all the work that parties have done completed with Agnico Eagle to resolve and advance understanding of outstanding issues on the Meliadine Extension Proposal. In our view, the record before the NIRB objectively demonstrates that the outstanding issues have been reduced to two commitments that will be completed prior to the Public Hearing.

Agnico Eagle also requests that the NIRB works with the Nunavut Water Board (NWB) to ensure that the application for the Meliadine Extension Proposal continues to advance through a partially coordinated process.

This procedural approach is consistent with the requirements of NuPPAA, section 193:

193 The Commission, any responsible authority, the Board, any federal environmental assessment panel and any joint panel **must coordinate** their respective activities relating to the review of a project requiring a licence under the [*Nunavut Waters and Nunavut Surface Rights Tribunal Act*](#) with those of the Nunavut Water Board so as to ensure efficiency and avoid duplication. [emphasis added]

Agnico Eagle recognizes that a high-level consideration of matters relating to waters and waste is part of the NIRB process for the Meliadine Extension, and that efficiency and avoidance of duplication also requires NIRB to defer consideration of detailed technical matters relating to waters and waste to the NWB process. This approach respects the significant technical expertise that the NWB has on such matters. It is also important not to have additional delays in the advancement of the water licensing process, particularly given that the NIRB process for the Meliadine Extension has encountered unexpected delays.

Parallel advancement of the NWB and NIRB process will help enhance understanding for all participants. The NWB has the information required to continue their technical review process for the Water Licence Amendment in parallel with the NIRB process. While Agnico Eagle recognizes an amended Water Licence cannot be issued before the Project Certificate is amended, there is no reason the Water Licence process cannot continue in the meantime. Agnico Eagle requests that the NWB Water Licence Amendment process continue without delay.

4. Closure

Agnico Eagle reiterates we have fulfilled the information requests outlined in the Decision Report and the NIRB now has sufficient information to proceed with Public Hearing, which we look forward to in September.

Thank you for your consideration of this letter and the enclosed materials. Should you have any questions, please contact the undersigned.

Sincerely,



Jamie Quesnel
Director, Permitting & Regulatory Affairs
Agnico Eagle Mines Limited

Attachment A: Caribou Heat Map
Attachment B: Habitat Loss Calculations
Attachment C: Windfarm Management Plan, including Adaptive Management
Attachment D: Location of the Windfarm
Attachment E: Water Modelling and Discharge to Meliadine Lake
Attachment F: Water Management Site Tour Notes
Attachment G: In-pit Deposition Summary
Attachment H: Proposed Term and Condition on In-pit Deposition
Attachment I: Barriers to Female Employment
Attachment J: Updated List of Commitments
Attachment K: Additional Questions on Caribou from KivIA
Attachment L: Impact Assessment of the Diversion of Site Runoff to Itivia Harbour on the Flow and Water Regimes of the Diana River
Attachment M: Low Frequency Noise Related to the Wind Turbines
Attachment N: Pre-construction Imagery of Meliadine Extension Locations
Attachment O: Discovery Waterline Schematics