



December 19, 2023

The Honourable Dan Vandal, P.C., M.P.  
Minister of Northern Affairs, Prairies Economic Development Canada and the Canadian  
Northern Economic Development Agency  
Government of Canada  
House of Commons  
Ottawa, ON K1A 0A6

Marjorie Kaviq Kaluraq  
Chairperson, Nunavut Impact Review Board  
29 Mitik Street, PO Box 1360  
Cambridge Bay, Nu  
X0B 0C0

**Re: Notice of Withdrawal of the “Meliadine Extension” Proposal  
and  
Response to the Nunavut Impact Review Board’s Reconsideration Report**

Dear Minister Vandal and Chairperson Kaluraq,

Agnico Eagle Mines Limited (**Agnico Eagle**) is writing further to the Nunavut Impact Review Board (**NIRB**)’s Reconsideration Report and Recommendations for the Meliadine Extension Project Proposal (the **Report**), which was released on November 17, 2023.

As we communicated publicly when the Report was released, Agnico Eagle was surprised and disappointed by the NIRB’s recommendations. This was exacerbated given that, overall, most NIRB process participants for the Meliadine Extension Proposal did not appear to object to continued benefits of the operating Meliadine Mine for an additional eleven years from 2032 to 2043. We had hoped that our suggestion at the end of the hearing that the windfarm be considered separate of the mine extension would have alleviated concerns regarding the windfarm’s proposed placement and impacts. Since its first reading, Agnico Eagle has completed a detailed review of the Report and can now confirm the serious concerns it raised about the Report’s findings, which are introduced below and set out in the enclosed **Response**.

Before addressing these concerns, it is important to notify you of the withdrawal of the Meliadine Extension Proposal, with immediate effect. The main reason for this decision is the processing delay that the Report and its regulatory framework could cause for a number of the Meliadine Mine components already approved by NIRB in 2014, but not yet added to our Type A Water Licence. While these components were only included in the Meliadine Extension Proposal for the sake of completeness and transparency, some of them will need to be approved as soon as 2024 by the Nunavut Water Board to support the current Meliadine mining plan. Please note, however, that we are not ruling out the submission of a new application regarding a Meliadine extension project, in due time and when conditions will be suitable.

Our decision would be different if the Report had concluded with recommendation in favor of the Meliadine Extension Proposal. Nevertheless, we believe it is important to respond to the Report, to address what we content are inaccuracies, and clarify some potential misunderstanding of the evidence presented during the NIRB process, and reliance on unfounded statements made by participants. We ask that this letter and our enclosed Response be placed on the NIRB registry.

We hope the enclosed Response is received in the spirit it is intended: to provide a better understanding of the Meliadine Mine and the evidence that Agnico Eagle has operated in a manner protective of caribou in full collaboration with the Kivalliq Inuit Association, local hunters and trappers, Dene, and the Government of Nunavut.

The enclosed Response can provide a foundation for more balanced, accurate and predictable reports from NIRB and will hopefully prove to be useful as NIRB considers future mining development applications in Nunavut. We would be pleased to meet further with the Minister, the Board and your staff to discuss these important topics.

Sincerely,



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

## Executive Summary

On November 17, 2023, the Nunavut Impact Review Board (**NIRB** or the **Board**) provided the Minister with their Reconsideration Report and Recommendations (the **Reconsideration Report** or **Report**) for Agnico Eagle's Meliadine Extension Proposal (the **Meliadine Extension**). The Meliadine Extension was an application for an amendment to the currently operating Meliadine Mine located in the Kivalliq Region, Nunavut (the **Mine**).

The Reconsideration Report recommended that the Meliadine Extension should not be allowed to proceed. While Agnico Eagle disagrees with the Report, it is withdrawing the Meliadine Extension at this time to avoid processing delay that the Report and its regulatory framework could cause for a number of the Meliadine Mine components already approved by NIRB in 2014, but not yet added to our Type A Water Licence. Please note, however, that we are not ruling out the submission of a new application regarding a Meliadine extension project, in due time and when conditions will be suitable.

The following paragraphs explain the benefits to Inuit, Nunavut, and Canada if the Meliadine Extension had proceeded. It also confirms that the mitigation programs in place at the Mine are protective of caribou and monitoring programs have demonstrated that the Mine has not caused greater environmental effects than predicted when NIRB approved the Mine in 2014.

### ***The Meliadine Extension Proposal could have extended the Mine life by eleven years, but would not have “intensified” the Mine or its impacts***

- The Mine is currently expected to end at approximately 2032.
- The Meliadine Extension would have resulted in a continuation of positive economic impacts in Nunavut beyond 2031, offsetting negative effects from the upcoming Meadowbank mine closure.
- The 11-year extension of the Mine life would maintain the current annual mining rate. It did not request an “intensification” of mining, as the Report suggests.
- The Meliadine Extension would have used the existing Mine site with some minor changes, mainly to allow for the addition of more underground mining (which is generally accepted to cause less environmental effects than open pits). These changes would have resulted in very minor footprint changes (i.e. less than 1%) and no material change to outputs.

### ***The monitoring shows the Mine is not causing significant adverse effects to caribou***

- Agnico Eagle acknowledges that there was discussion about the location of the proposed wind farm among participants in the public hearing. By the end of the public hearing, Agnico Eagle agreed to work with Kivalliq Inuit Association (**KivIA**) to find a more desirable location, noting that the windfarm was not an essential component of the Meliadine Extension and that the rest of the application could be approved without that component. However, it appears that the NIRB may have confused the concerns specific to the windfarm and applied them more broadly to the entire application. This results in an over emphasis in the Report on these topics, which is not necessarily reflected by the evidence presented.
- Certain NIRB procedural decisions created confusion. For instance, a late filing of a public hearing presentation by the Government of Nunavut (**GN**) regarding caribou migration near the mine was rushed and appeared to be misunderstood by the NIRB. The GN presentation showed that caribou continue to migrate through the Mine site in large numbers (as predicted) and also confirmed a prediction that caribou would cross less at a water body located next to the Mine site (the **“Narrows”**: because mine buildings were to be constructed directly across from it). Unfortunately,

the Report expresses concern that the GN animations showed there was unanticipated effects (i.e. less crossing at the Narrows), while, in actuality, this was always a predicted non-significant effect.

- Agnico Eagle provided detailed information to NIRB on the effectiveness of its site-specific mitigation measures and confirmed the accuracy of its 2014 environmental assessment predictions with evidence.
- Measures in place at the Mine include the comprehensive caribou mitigations provided in the Terrestrial Environment Management and Monitoring Plan (**TEMMP**), developed through the NIRB process, in collaboration with the Terrestrial Advisory Group (**TAG**). The TEMMP measures are applied in the field by Agnico Eagle with intensive support from the KivIA, GN and Kangiqliniq Hunters and Trappers Organization (**KHTO**). Annual monitoring results provided to NIRB show that these measures are effective in protecting caribou.
- In summary, the Report often catalogues general concerns without considering a balanced approach and without considering the measures which the Proponent, NIRB, the government departments and other parties such as KivIA are taking to address them.

#### ***Incorporation of Indigenous Knowledge is core to the Mine's operations***

- Indigenous Knowledge evidence plays a fundamental role in the development and continuous improvement of our programs and mitigation measures. Information on this aspect of Agnico Eagle's programs is rarely quoted or referenced in the NIRB Report.
- Agnico Eagle's incorporation of Indigenous Knowledge is led by prominent Nunavummiut community leader and Elder David Kritterdlik and his team. Elder Kritterdlik spoke to his work in Vol. 6 of the NIRB transcripts during the community roundtable:

*And the other thing, those of us that – Inuit that work there for a mining company, they communicate with us, and they instruct us. They are happy to work. They want to work with Inuit. We want to collaborate and involve the Inuit. This has been the goal and focus of our agreed -- and from those that assert the rights. We have to collaborate with the communities, and those are the instructions that have been given to us. And we collect Inuit knowledge, traditional knowledge, and what Inuit know regarding mining, and we want the Inuit traditional knowledge to be incorporated in the mining companies. We have many -- in this respect of Inuit values and -- Inuit values and Inuit traditional knowledge has to be respected by all, not just the mining companies. We have created groups in the Kivalliq region, the Kivalliq Elders, to consult with and to gather information from Inuit and the traditional values of Inuit. We gather information from them ...*

*But the committees we formed, and it is evident the Elders in the communities, they -- they have more concern for the future generation and what rights the future generation will have. Their children and their grandchildren, how will they benefit? That is the biggest concern Elders have. In any communities, not just Inuit but other indigenous people too, the concern for the future generation and so that the future generation are capable and strong because we cannot always live the traditional way. One of the things -- one of the meetings we have, there is -- what can we do to approve or make positive improvements? We have been told, and we have to be -- all the -- the education and the training required to be qualified to work. You get your Grade 12 education or beyond. Inuit have always said, All our lives are going to be learning, and it's lifelong learning. Even if we get older or become Elders, we are still learning. Learning never ceases. Lifelong learning -- we learn something every day, and there is something new every day.*

***NIRB did not give due consideration to evidence of effectiveness of existing Project Certificate terms and conditions***

- The Meliadine Mine Project Certificate includes over 134 terms and conditions that specifically address topics of concern identified in the Report, including caribou and water protection. Further comprehensive requirements are set out in plans regulated under the Project Certificate, Type A Water Licence, and other federal and territorial approvals.
- The annual monitoring data shows that the existing terms and conditions are effective in preventing significant effects from the Mine.
- Agnico Eagle presented reasonable additional mitigations that could have been added to the existing Project Certificate and/or management plans, such as adding a specific section on calving caribou mitigations to the TEMMP, and expressing support for GN to undertake further regional studies. The TAG would have continued to annually review and provide feedback on the wildlife protection throughout the Meliadine Extension mine life. The wildlife mitigation measures are adjustable and will continue to be adjusted in consultation with the TAG throughout the life of mine.
- The Board also had access to other approaches to mitigation and monitoring in other NIRB Project Certificates, including Meadowbank, Whale Tail, and Hope Bay.
- There was no reasonable basis for NIRB to conclude that there were not effective terms and conditions under which the Meliadine Extension could proceed.

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## **1 Clarifying Scope of the Approved Mine and the Meliadine Extension Proposal**

### **1.1 2015 Meliadine Approval**

On May 5, 2014, Agnico Eagle submitted the original Final Environmental Impact Statement (FEIS) for the Meliadine Mine to the Board. The FEIS reflected a multi-phased approach, meaning not all of the deposits would be mined at once; however, the impacts associated with all of the deposits and associated infrastructure that would eventually be constructed were assessed. The NIRB's positive Recommendation Report for the Meliadine Mine was issued by the Board on October 10, 2014, stating:

*During the NIRB [Board]'s review of the Meliadine Gold Project over the last three and a half years, the Board has received extensive submissions (presented in writing and in person) from the Proponent, a variety of intervenors, community representatives from the seven potentially affected communities and members of the public. The Board's review process concluded with a five day Final Hearing in Rankin Inlet that commenced on August 21 and concluded on August 27, during which time more than 75 people shared their knowledge, experiences, concerns and vision for this area and this project.<sup>1</sup>*

And,

*On the basis of the NIRB [Board]'s consideration of the information provided during this review, the Board has concluded that if the Meliadine Gold Project is undertaken in accordance with the Board's recommended monitoring, management and mitigation measures as set out in the terms and conditions that follow, this project can be carried out in a manner that will both protect and promote the existing and future well-being of the residents and communities of the Nunavut Settlement Area and protect the ecosystemic integrity of the Nunavut Settlement Area.<sup>2</sup>*

On January 27, 2015, the Honourable Bernard Valcourt accepted the Board's recommendation to advance the Meliadine Mine.

This resulted in the Board issuing Project Certificate No. 006, which includes terms and conditions allowing key infrastructure and activities to proceed, including:

- construction, operation, closure, and reclamation of five open pit mines (Tiriganiaq, F Zone, Pump, Wesmeg, and Discovery);
- construction, operation, closure, and reclamation of one underground mine (Tiriganiaq);
- All-Weather Access Road, Bypass Road, Discovery Road, and site access roads;
- fuel, quarrying, dewatering, waste rock storage facilities, tailings storage facility;
- marine shipping (annual shipments of dry goods and fuel); and
- Itivia laydown area including the fuel farm.

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<sup>1</sup> NIRB Final Hearing Report, Page ix, October 2014

<sup>2</sup> NIRB Final Hearing Report, Page ix, October 2014



## **1.2 Meliadine Extension Proposal**

On April 14 2022, the Meliadine Extension proposal was submitted for review to the NIRB. Agnico Eagle proposed to add the following activities to the current Meliadine Mine scope:

- underground mining and associated saline water management infrastructures at the Pump, F Zone, and Discovery deposits which could result in an extension of the operation phase by an additional 11 years from 2032 to 2043;
- development of a new portal and associated infrastructure in the Tiriganiaq-Wolf mining area to improve access to and expand the existing Tiriganiaq underground mine;
- an option to use exhausted pits to store tailings or waste rock to complement the current waste management strategy; and
- approved infrastructure, such as the camp, mill, water management infrastructures, power plant, tailings storage facility, All-weather Access Road, freshwater intakes and treatment plants would continue to be used.

Throughout the Reconsideration Report, the Board incorrectly characterizes these changes as an “intensification” of mining activities, and appears to have based much of its rationale for its negative recommendation on the idea that with Meliadine Extension, the activities of the current Meliadine Mine would become more “intense”.

However, this is a misunderstanding by the Board: there is no intensification or expansion as a result of Meliadine Extension but instead a potential temporal extension of 11 years. The application is simply to continue at current levels of mining activity.

Applying a plain language definition, a comparison between the 2014 FEIS and the Meliadine Extension shows that there is no “intensification of mine activities”. To illustrate this point, Table 1-1 presents Meliadine Extension components as compared to the 2014 FEIS.

**Table 1-1: Meliadine Extension Components Compared to the Approved Project – No Increased “Intensity”**

<b>Components misidentified by NIRB in Reconsideration Report as “Intensifications” included in the Meliadine Extension</b>	<b>Approved Project</b>	<b>Meliadine Extension</b>	<b>Explanation why Meliadine Extension Component is Equal or Less Intense Activity as Compared to Original Application</b>
Increasing the amount of ore processed	8,500 tpd	8,500 tpd	Same activity with no change to approved
Expanding the underground workings	Tiriganiaq	F Zone, Pump, Discovery	Adding underground is not an expansion of surface disturbance as portals/vent raises are within the approved footprint. Also, underground waste rock piles are within the amount of waste rock that was going to be generated in the 2014 FEIS.  All water collected underground will be stored in areas within the footprint of the 2014 FEIS and using existing discharge facilities/limits.
Increasing the amount of waste rock generated	384.4 Mt	190.5 Mt	Decreasing waste rock generated from open pit and underground therefore reducing size of waste rock storage facilities on surface.
Increasing the amount of tailings generated	37.8 Mt (slurry) and footprint of 237.8 ha. **Dry stack deposition was approved in 2016 by NWB.**	65 Mt (dry stack) and footprint of 107.2 ha	Decreasing footprint of the tailings storage facility and 13.4 Mt will be used underground.
Increasing site infrastructure	Diesel fuel power plant (9 generators)	Diesel fuel power plant (9 generators)	Same power generation activity with no change to approved project.
	14 ha laydown area and 8 x 10ML fuel farm and saline discharge facilities in Rankin Inlet	14 ha laydown area and 8 x 10ML fuel farm and saline discharge facilities in Rankin Inlet	Same activities in Rankin Inlet with no change to approved project.
	All-Weather Access Road & Road to Discovery	All-Weather Access Road & Road to Discovery	Same activity on roads with no change to approved project.
	Camp consisting of 680 beds	Three wings added to approved camp	Same freshwater withdrawals and same sewage treatment plant.
Overall permitted footprint	3,369 ha	3,559 ha	While the Meliadine Extension footprint reflects an additional 190 ha.; thus only a 1% increase to the approved footprint. This is not a material change to the footprint.

In fact, the Reconsideration Report recognizes the waste rock storage facilities and tailings storage facility will be smaller than assessed in 2014 due to optimizations and consequently the impacts have already been considered [emphasis is provided in bold]:

*During the Public Hearing, the Board asked Agnico Eagle about the proposed expansion of the waste rock and tailings storage facilities under the Extension Proposal that would result from the proposed increase in mine life. Agnico Eagle clarified that the total size of the waste rock and tailings storage facilities would be approximately two times smaller than the size approved in the 2014 Final Environmental Impact Statement (FEIS) due to design optimizations that have occurred onsite. Consequently, the potential impacts of the increased size of these facilities had already been considered by the Board during the assessment of the original Meliadine Gold Mine Project.*

***[...] The Board understands that any proposed increases to the footprint of the waste rock and tailings storage facilities would remain within the footprint of the previously assessed Meliadine Gold Mine Project as set out in the 2014 FEIS. Therefore, the Board is confident that any expected impacts have already been integrated into Project Certificate No.006 Terms and Conditions.”<sup>3</sup>***

As part of the FEIS Addendum, Agnico Eagle was very clear that we have optimized the mine plan from 2014 such as reducing the size of waste rock storage and tailings facilities, which in turn reduces the “intensity of Meliadine Extension. Details were provided by Agnico Eagle in response to questions from a Board member during the Public Hearing with respect to mine optimizations:

*“Mining is a bit of an iterative process; is that you start by drilling certain areas, and as you are in that area, you drill some more. So as we have started building and operating the mine and doing additional drilling, we have confirmed that not only there's resources on -- on surface, so for open pits and those deposits, but also underground. Like, the deposits are extending at depth which makes underground interesting. So that's why we've added those underground mines or activities. And in terms of impacts, it primarily relates, as you are mentioning, about waste rock that will be taken off the -- the -- the -- underground. And typically there's less waste rock associated with underground mining than open pit 'cause you -- you go to --straight to -- to the area where the gold is, so less waste rock on surface, so less footprint. So in our -- coming back to that slide of the pink and green, and there was a grey. The grey was smaller inside the original pink footprint because we've been able to reduce the size of the waste rock storage facility, and the other component is because we mine underground...”*

*“...yes, overall our footprint will be smaller than what we had anticipated in 2014. Basically the grey polygons is what we are proposing now. It includes the saline ponds, waste rock, open pits. The pink was the original -- original outline. So it's -- it's smaller than what we thought. We've optimized it.”<sup>4</sup>*

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<sup>3</sup> Section 5.1.4.2 of the Reconsideration Report

<sup>4</sup> Volume 3, NIRB Public Hearing Transcripts, p.324-327

### **1.3 Monitoring Verifies Reliability of 2014 FEIS Predictions**

Agnico Eagle's evidence provided to the Board, through ongoing NIRB monitoring provided as part of our annual reporting under the Project Certificate and Type A Water Licence, the FEIS Addendum, supporting technical studies, responses to technical comments, as well as the evidence presented at the Public Hearing show that the Meliadine Extension would have continued socio-economic benefits and will not have significant environmental effects. The results have also shown to be below the predicted effects in the 2014 FEIS.

On the topic of caribou, there is no uncertainty related to shifting Qamanirjuaq caribou calving and post-calving ranges and interactions with the Meliadine Mine. Caribou were observed during aerial surveys in the calving and post-calving season in 1998, 1999, and 2008 as part of baseline studies and reported in the 2014 FEIS (Volume 6, Table 6.6-5). Caribou collar data considered in the 2014 FEIS also supported presence during the post-calving period (Volume 6, Figure 6.6-13). Inuit Qaujimajatuqangit collected and reported in the 2014 FEIS indicated that caribou migrate through the area every 6 to 12 years (Section 6.6.8.2, p 6-244) and confirm caribou ranges (including migration routes) shift periodically and naturally. The TEMMP was developed on this understanding. The Meliadine Mine does not currently occur within the calving range. The predictions related to interaction by caribou during the post-calving period presented in the 2014 FEIS and the Meliadine Extension are consistent with observed patterns. Further details are provided in Appendix A.

Specific to the topics of air quality, freshwater, and marine environments, see Sections 4.3, 4.1, and 4.2, respectively.

## 2 Public Interest

### 2.1 Who is Agnico Eagle

Agnico Eagle is a publicly traded Canadian gold mining company and Canada's largest gold producer (third largest globally). We have operated for over 65 years as a Canadian managed and Canadian headquartered company, including 15 years of experience in the Arctic.

Agnico Eagle is recognized globally for its leading sustainability practices. The Company ranks in the top-tier of gold mining companies in several Environmental Social and Governance (ESG) rankings including Sustainalytics and MSCI. The Company has earned a place on Corporate Knights list of Canada's Best 50 Corporate Citizen for five consecutive years. Operating in a socially and environmentally responsible manner is a fundamental component of Agnico Eagle's business strategy and the Company is an avid supporter of the Mining Association of Canada's Towards Sustainable Mining (TSM) and the World Gold Council's Responsible Gold Mining Principles (RGMP).

While the Meliadine Mine is located in Nunavut, in 2022, Agnico Eagle invested more than \$5.5 billion into the Canadian economy by purchasing supplies and services from Canadian companies and employing over 12,000 Canadians. Of this amount, over \$1.1 billion went to Indigenous suppliers. Over \$220 million were made in payments to governments in Canada.

Specifically in Nunavut, Agnico Eagle is the contributor of more than 25% of the GDP of Nunavut, and we are the largest miner and private sector employer for the territory. The following snapshot of our economic presence in Nunavut puts into perspective the importance of what is at stake not just for Agnico Eagle, but also for Nunavut:

- Since 2007, Agnico Eagle has **invested** more than \$9 billion in Nunavut.
- In 2022 alone, Agnico Eagle contributed about \$32 million in **annual salaries for Kivalliq communities**. A cumulative total of \$272M of employment income has been paid to Inuit employees since 2010, about \$10.6 million in **payroll taxes** to the Government of Nunavut, and about \$39 million in **royalties** to KivIA and NTI.
- In 2022: Agnico Eagle spending with **Inuit businesses** was \$806 million.
- In 2023, Agnico has invested about \$62.3 million in **exploration spending**.
- In 2022, more than 379 **Kivallummiut employees and contractors** were working at our Nunavut operations, including 86 from Rankin Inlet, 74 from Arviat, and 170 from Baker Lake. Agnico Eagle's employment impact is estimated to benefit approximately 12% of the total population in the Kivalliq region.
- Since 2013, Agnico Eagle has invested more than \$34M in **training** our Nunavummiut employees. Knowledge learned during training will continue to benefit Nunavut as individuals can move to other jobs or start their own businesses.
- In 2022, Agnico Eagle contributed \$197,900 to community-based organizations in Nunavut that support **food security** issues.
- Agnico Eagle announced on September 28, 2023, a \$2.5 million investment to Breakfast Club of Canada to help implement **breakfast programs** in all of the Kivalliq and Kitikmeot communities, ensuring all elementary school students of the Kivalliq and the Kitikmeot have access to breakfast every school day, for a minimum of 3 years.
- Agnico Eagle also supported **mental health initiatives** on-site (e.g., mental health trainings, preventative health outreach and Elders visits) and in communities (e.g., trips on the land and suicide prevention training).

## 2.2 Background and Need for Meliadine Extension

The Meliadine Mine as currently permitted is moving towards winding up by 2031 as per the scope of activities currently included in the approved NWB Water Licence. Additional resources will be required from NIRB permitted deposits (e.g., Pump, Wesmeg) in order for the mine to continue running past 2031. The NIRB report and its regulatory framework could generate unplanned delays to obtain a NWB Water Licence Amendment for those additional deposits. Construction activities and mining development have to commence several years before the ore is made accessible for mining and milling.

Additionally, the Meliadine Extension would have resulted in a continuation of positive economic impacts in Nunavut beyond 2031, offsetting negative effects from the upcoming Meadowbank mine closure.

In our view, the Report does not provide adequate consideration of these facts.

As a result of the Report, Agnico Eagle will proceed with an amendment to the approved NWB Water Licence that only includes components of the Meliadine Mine approved by NIRB in 2014 that have not yet been included in the Type A Water Licence.

## 2.3 Summary of Socio-Economic Benefits of Meliadine Extension

The continued mine life of Meliadine Extension would have supported the vision and contributed to the goals of persons enrolled under the Nunavut Agreement. Benefits would have accrued to Kivalliq Inuit from the Inuit Impact and Benefit Agreement, employment and business opportunities. Extending the life of mine would have ensured employment stability and continued business and training opportunities. Skills learned would continue to be used for an additional decade.

The need for Meliadine Extension is not simply attributed to monetary benefits and employment. Meliadine Extension would have allowed continued support and contributions from Agnico Eagle in organizations, recreational facilities, etc. and are summarized below as communicated at the Public Hearing:

*“As you note, there is the monetary benefits, economic benefits. With that includes the skilled development that are being gained by employees and ones that are transferrable. Those skills being transferrable to whatever other position, job that they may receive. There's many of us that understand a mine site is very similar to a community. When an employee decides to leave mine work, they have these skills that now can be transferred to whatever other position that they may pursue and the experience they have as part of it.*

*Now, with skills developed and job experience comes confidence as well. I know we try to look for very quantitative measures, but these types of things you can only hear from people telling their – their stories. Having something similar as an employee recently saying they bought their first home, an employee saying that they are now able to purchase a snowmobile, ATV, a boat, which gives them access to cultural activities. For us, it's hunting. It's a lifestyle. It's being able to go and get country food or being able to access berry-picking sites.*

*Another part is the cultural aspect, not just the cultural activities but being able to further have these cultural activities to gain further cultural skills such as language and appreciation.*

*Now, from the confidence and the cultural development that is happening, the other spin-offs are creating a stronger community, and I think a place like Baker Lake and Rankin has very much seen direct impacts, not just on the monetary side but the social side, and where Agnico has been able to support organizations such as Ilitaqsiq where they do provide an amazing service for*

*Nunavummiut, not just in the Kivalliq but all over Nunavut, and to be able to support recreational facilities within the communities, not just in the Kivalliq.*

*And so through these types of different supports, those are not just monetary. Those are very much social impacts. ·Matna.”<sup>5</sup>*

The continued positive effects to the socio-economic environment for Inuit, Nunavut, and Canada that would have resulted from Meliadine Extension are outlined in the below sections.

### **2.3.1 Inuit**

Meliadine Extension would have added an estimated 40 new job opportunities to the 2014 FEIS predictions of 140 local Inuit workers at the mine.

In addition, contract provisions for Inuit firms had been on a continual rise due to the provisions outlined in the IIBA with Sakku Investments Corporation companies. Significantly, Meliadine Extension would not only have created additional job opportunities, but would have ensured the maintenance of current jobs, associated training and skill building, and direct investment into the local community for an additional 11 years. Employment was also likely to increase and improve community nutrition and safety, accommodating traditional pursuits of Inuit employees, providing long-term opportunities for advancement and growth, and providing health and safety training.

### **2.3.2 Nunavut**

Overall, GPD impact for Meliadine Extension (had it proceeded) is estimated at \$2.1 billion in Nunavut. By industry, other top industries to benefit from the Meliadine Extension would include transportation and warehousing, manufacturing, real estate and rentals, wholesale, retail, and construction.

Total taxes revenue impact predicted as part of the Meliadine Extension (had it proceeded) are \$633 million at the territorial level. Mining development is expected to be the largest economic driver in the region in the coming years, with Meliadine Mine already contributing to an increase in the overall employment rate for the region.

Labor income impacts for Nunavut (had it proceeded) are predicted at \$1.6 billion.

### **2.3.3 Canada**

In Canada as a whole, the Meliadine Extension (had it proceeded) would have contributed a further \$11 billion in labour income impacts, and \$15.6 billion in GDP impacts, and \$3.2 billion in tax revenue.

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<sup>5</sup> Volume 3, NIRB Public Hearing Transcripts, p.369-370



### **3 The Board's Review Does Not Fully Address the Evidence on Caribou Protection Measures**

The evidence before the Board was that:

- The current project is not causing any significant harm to caribou;
- The effects on caribou are in fact less than predicted when the Board approved the project in 2014;
- The current caribou protection measures implemented by Agnico Eagle in partnership with the KivIA and KHTO are effective and protective;
- The caribou protection measures are under continuous review and will be adapted if shown necessary to ensure caribou continue to be protected;
- The TAG is properly established and functioning effectively;
- There is no uncertainty respecting the ongoing protection of caribou; and
- While some participants stated that they did not support the proposed wind farm location, no Inuit organization, and none of the government representatives (GN and Canada) stated that they were opposed to the aspects of the Meliadine Extension Proposal required to extend the mine life, provided protective terms and conditions were in place.

The Board's review of current and potential effects on caribou is found at Section 5.1.1 of the Report, pages 97 to 104. The Board's position that effects on caribou are uncertain is not consistent with the evidence.

The following sections provide the Minister with a summary of the evidence – which supported a decision to allow the Meliadine Extension Proposal to continue operations for an additional 11 years.

#### **3.1 No evidence of any significant harm to caribou**

The FEIS Addendum and monitoring during the past 8 years confirms that the site is not causing any significant adverse effects to caribou.

The presentations made by Agnico Eagle and caribou experts confirmed this in evidence at the Public Hearing. (see details under Point 3.3 below)

#### **3.2 The effects on caribou are in fact less than predicted in the 2014 EIS when the Board recommended approval of the mining project**

When the Board reviewed the proposed Meliadine Mine Project in 2012-2014, the concern was that caribou would be deterred from migrating near the mine, and subject to a 14 km "zone of influence".

In fact, experience has shown that, since the start of construction and operations to date (2015-2023) caribou have not been deterred and are migrating through the 28 km Regional Study Area and on some days within 5 km of the mine. The FEIS Addendum and the caribou experts confirmed that the effects on caribou are less than predicted by the Board when it approved the mine in 2014. (See below under Point 3.3)

The GN presented evidence of collared caribou migration through the Local Study Area (28 to 30 km around the mine). The evidence showed caribou migrating without significant deterrence. The GN did not characterize the caribou tracking evidence as indicating a significant adverse effect from the mine. (Note that the mine operations are suspended when 50 or more caribou are approaching within 5 km of the mine).

Caribou experts for Agnico Eagle made a presentation at the Public Hearing on caribou migration after the GN's presentation. The caribou experts confirmed that the collared caribou tracking, as well as on-site monitoring, indicated that caribou were not deterred by the mine in any significant way and were migrating



based on habitat factors. This demonstrated that effects on caribou, as assessed in the FEIS Addendum and as shown by on-site monitoring was non-significant and in fact less than predicted in 2014. (See point 3.3 below)

### **3.3 The current caribou protection measures, implemented jointly by Agnico Eagle, the KivIA, and the KHTO, are effective and protective**

The measures include careful and systematic monitoring of caribou herd movement towards the mine during spring and summer, suspension of operations when 50 or more caribou are within 5 km of the mine infrastructure, and suspension of traffic on the AWAR when caribou are approaching within 100 metres of the road. These measures provide caribou with the “right of way” and allow them to move along their migration pathways without disturbance. There was no evidence before the Board that the caribou protection measures are not working.

At the Public Hearings, the GN presented animations showing the migratory paths of the caribou collared with tracking devices within 30 km of the mine. The animations showed that all collared caribou passed safely through the area around the mine, and on to their migratory destination.<sup>6</sup>

Following the GN presentation of collared caribou movement through the mine site area caribou experts retained by Agnico Eagle made a presentation confirming that the monitoring and mitigation measures have been demonstrated to be effective and protective. The Agnico Eagle expert evidence included:

- 1) Data from collared caribou should be supplemented with on-site field monitoring. This monitoring showed caribou “continue to use the Meliadine Narrows” and are not deterred in any significant way by the mine site.
- 2) Agnico Eagle, the KIA, and the KHTO use collared caribou information to know when caribou are approaching the mine. Field observations are then triggered. When 50 caribou or more are within 5 km mine operations are suspended. Road surveys are conducted 3 times per day. Caribou have the right of way. Traffic is alerted if caribou are approaching the road and subject to speed limits. The road is closed to traffic if numbers of caribou are within 100 metres. There is no record of any caribou being hit or injured by mine or road operations. And no record or evidence of caribou being deterred from continuing to their migratory destination.

In recent years more caribou have migrated within the 5 km zone and for longer periods. This demonstrates that caribou are not deterred by the mine (**effects are LESS than predicted in 2014**). The mitigation measures respond as necessary. Closure of mine operations have increased year over year from 9 days in 2020 to shutting down the all-weather access road for 24 days and surface working restrictions for 28 days between May 30-July 26, 2023. If more caribou migrate within the 5 km zone in future years the mine will shut down for as many days as are required. This shows that the mitigation measures adapt automatically to any increase in caribou presence – in order to ensure that caribou have the right of way, are not disturbed, and are protected.

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<sup>6</sup> There were indications that collared caribou were not passing through a route known as Meliadine Narrows in recent years – but that route goes directly at the mine and the effect was predicated in the 2014 review. On-site monitoring however confirmed that caribou do continue to use that route. The collared caribou were following routes adjacent to and near the mine and all collared caribou continued on their migratory path through the 30 km area around the mine and beyond. The evidence in the GN animation showed that caribou approaching the 30 km area were able to pass without significant delay or deterrence.

The evidence given by the Agnico Eagle caribou experts was summarized on slide 22 of their Presentation as follows:

- Key existing TEMMP mitigation
  - Work suspension protocol –Mine activity shutdown
  - Low profile roads with fine material
  - Low speed limits
  - Caribou right-of-way
- The existing mitigation and triggers are working:
  - No Mine-related caribou injuries or mortalities have occurred
  - Caribou move freely through the Mine site and AWAR (WSP 2023)
  - Supports that effects are less than 2014 FEIS predictions

Agnico Eagle caribou experts also presented the evidence from a detailed statistical analysis of caribou movement through the local study area. The TAG reviewed and approved the study design which was based on collared caribou data. The expert evidence was summarized in slide 26 as follows:

- The Commitment 38 analysis developed with the TAG uses the same collared caribou data (except for 2023) shown in the GN's animation;
- The GN's animation shows observed collared caribou movements on a simple map of water, land, Meliadine Mine and AWAR and Rankin Inlet with emphasis on Mine and AWAR;
- The animation does not consider the factors influencing movement decisions by caribou, which was presented in the Commitment 38 analysis to be:
  - Lakes (avoided)
  - Areas of Vegetation Greenness (preferred growing vegetation)
  - Areas of Heath forb (preferred vegetation community);
- The Commitment 38 results are scientifically defensible, considered shared IQ and TAG input and demonstrate that caribou are not responding to Mine-related activities and are moving freely through the Mine and AWAR. This supports that the existing mitigations are conservative and working.

Some parties indicated that they had some technical concerns with the Commitment 38 Study – but no party gave evidence to contradict its conclusions that caribou movement is driven by habitat factors, and that the current mine operations were not causing a significant deterrent to caribou movement.

In its Closing Remarks, the KivIA stated:

*“Yes, current mitigation at the existing project works from an operational level.”<sup>7</sup>*

As addressed in Point 3.7 below, the KivIA went on to propose that the current mitigations must be reviewed and revised if necessary.

Further evidence of the implementation and effectiveness of the caribou protection measures in conjunction with the KivIA and the Hunters and Trappers Organization was provided by Matt Gillman of Agnico Eagle as follows:

*“I mentioned it yesterday in the valued ecosystem components terrestrial presentation that the Kivalliq Inuit Association and Rankin Inlet hunters and trappers organizations have been a key to the success of our ability to implement the terrestrial environment management and monitoring plan and*

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<sup>7</sup> Volume 8, NIRB Public Hearing Transcripts, p.1308

*protect caribou. And it is not an overstatement; it has been indeed a key, and we're very grateful for their participation and support through the migration.”<sup>8</sup>*

### **3.4 The caribou protection measures will adapt to changes in caribou migration**

The caribou protection measures are based on adaptive management – in response to caribou movement and timing.

Under the caribou protection measures, caribou movement has the highest priority, including priority over mining operations, and the measures ensure that effects on caribou migration are minimized.

Further, Agnico Eagle has committed to continuous review of the caribou protection measures in consultation with the TAG established in accordance with a recommendation of the Board and required by the Project Certificate Terms and Conditions. If it is shown that additional caribou protection measures are necessary they will be adapted. This means that caribou will continue to be protected – there is no reason for uncertainty respecting the measures necessary to minimize effects on caribou.

Agnico Eagle provided evidence that the caribou calving and post-calving areas within the caribou range had been shifting north so that in 2018 to 2022 the center of the calving ground was approximately 70 km northwest of the Mine, 2.6% of the calving ground overlapped with the Regional Study Area and the closest edge of the calving ground is at least 12 km from the Local Study Area, and the Regional Study Area overlapped with 5.6% of the post-calving area.

The calving ground area does not overlap with the Local Study Area.

These shifts in the range have resulted in more caribou migration within 5 km of the mine – and more days of operational shutdown (from 9 days in 2020 to shutting down the all-weather access road for 24 days and surface working restrictions for 28 days between May 30-July 26, 2023). The shutdowns have been shown to respond to increased caribou presence and have been shown to be effective at protecting caribou. If caribou presence increases over the extended life of the mine, the current shutdown measures will respond accordingly.

Agnico Eagle has committed to adaptive management, and to adapt the caribou protection measures if that is shown to be necessary to ensure no significant effects. Agnico Eagle confirmed in evidence that caribou protection measures are scheduled for review by the TAG in the fall and winter of 2023/24.

The commitment to adaptive management ensures that the caribou protection measures will continue to be effective in response to changes in caribou migration and timing.

### **3.5 The TAG is properly established and functioning effectively**

It is a now standard requirement in Project Certificate Terms and Conditions that monitoring and mitigation measures are subject to continuous review by an advisory group or committee.

The TAG for Meliadine includes representatives from all interested parties and includes experts with extensive experience in caribou biology and in monitoring and mitigation measures. While the Meliadine TAG was recently established, Agnico Eagle has many years of experience with a functioning TAG that has supported caribou mitigations at Meadowbank/Whale Tail for many years.

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<sup>8</sup> Volume 3, NIRB Public Hearing Transcripts, p.415

Inuit organizations and government departments advised the Board that the TAG was functioning and effective. Contrary to the Board's concerns, it is reasonable to expect that the TAG will function well and will review and advise on the effectiveness of monitoring and mitigation measures for the protection of caribou.

Agnico Eagle has committed to updating the monitoring and mitigation measures if shown to be necessary to avoid or mitigate significant effects on caribou. This is the commitment to adaptive management. It is also important to emphasize that the mitigations are subject to field adjustment in collaboration with KivIA, local HTO members and GN. This provides for an overall mitigation system that incorporates IQ and the best available western science, and ensures an operation that is protective of caribou.

### **3.6 There is no uncertainty respecting the ongoing protection of caribou**

When a new mining project is proposed there is always some degree of uncertainty in predicted effects. In this case, there is actual evidence of how the mitigation measures (suspension of operations when caribou are approaching from 5 km away and suspension of AWAR traffic where caribou are approaching the road from 100 metres away) are effective and protective.

The Project Certificate includes Terms and Conditions requiring caribou protection measures to avoid or minimize effects. The current caribou protections measures are set out in the TEMMP – and include rigorous monitoring and triggers for shutting down the mine operations (5 km) and the AWAR (100 metres). The monitoring program and the decisions for shut-downs are done in collaboration with representatives of the KIA and the KHTO to ensure Inuit oversight.

The effectiveness of these measures is subject to ongoing reporting and review. They have been demonstrated to be effective at:

- Protecting caribou since construction and operation began; and
- Responding to increases in caribou interaction by increasing the number of days of shutdown as necessary.

The Minister can have certainty that caribou will be protected based on the following factors:

- The current operations, along with monitoring and mitigations measures have been demonstrated to be effective over 8 years of construction and operations;
- The current operations have not caused any significant adverse effect to caribou;
- The Meliadine Extension Proposal is an 11-year extension of the current operation with a very minor footprint change (i.e. less than 1%);
- The fact that caribou have been migrating through pathways within 5 km of the mine indicates the mine is not acting as a significant deterrent to caribou migration;
- The fact that mine shutdowns have increased from 9 days in 2020 to shutting down the all-weather access road for 24 days and surface working restrictions for 28 days between May 30-July 26, 2023 demonstrates that the protection measures increase in duration where necessary to ensure caribou are not disturbed;
- The fact that Agnico Eagle is committed to adaptive management where increased measures are indicated as necessary;
- The fact that KivIA and the KHTO work closely with Agnico Eagle to ensure that the monitoring and the caribou protection measures are properly implemented and effective;
- The fact that the TAG comprised of interested parties and experts has been established with a mandate to ongoing review of the monitoring and mitigation measures and to provide advice on modification where necessary; and

- The ongoing oversight of regulators and NIRB.

From the perspective of caribou migration, the Meliadine Extension proposal was substantially a continuation of existing operations.

It is reasonable to expect that the extension of current operations with these relatively minor changes would have continued to have non-significant effects on caribou migration. The current caribou protection measures automatically adapt by increased days of mine operation and road traffic closures if caribou presence increases. These closures are effective and protective.

Taking all of these factors into account there is certainty that caribou would have continued to be protected, as they have been to date, and during the additional 11 years of mine life.

### **3.7 No Inuit organization, and none of the government representatives (GN and Canada) were opposed to the components of the Meliadine Extension Proposal that would have extended the mine life**

The KivIA, the NTI, the GN and other parties asked the Board to reject the windfarm proposal. But none of the KivIA, the NTI, the GN, or the Canada representatives suggested that the additional 11 year mine life should not be approved. See Appendix B for a summary of citations from the Public Hearing transcripts that supports this at the time of the Public Hearing which was evidence for the NIRB Board to make a balanced decision.

Each of the KivIA and the NTI, the GN, and Canada, recognized and emphasized the significant socio-economic benefits of extending the mine life by 11 years.

In Closing Remarks on behalf of the GN, Naomi Pudluk, Assistant Deputy Minister said:

*“The Meliadine proposal, if approved, will increase the mine life by 11 years, allowing Nunavummiut to continue to benefit from the employment and training opportunities, local economic development and business opportunities, and community programs associated with the project.”<sup>9</sup>*

The Meliadine Mine Project Certificate includes 134 terms and conditions (several of which include multiple parts), including terms and conditions caribou and water protection. In addition, the Type A Water Licence is detailed and protects Nunavut waters from the deposit of waste. Further comprehensive requirements are set out in plans regulated under the Project Certificate, Type A Water Licence and other federal and territorial approvals (including the extensive TEMMP). Protections are required under agreements between Agnico Eagle and KivIA. The monitoring data provided to NIRB shows that these terms and conditions are effective in not causing significant effects from the Project to caribou.

Agnico Eagle presented reasonable additional mitigations that could have been added to the existing Project Certificate, such as adding a specific section on calving caribou mitigations to the TEMMP, and expressing support for GN to undertake further regional studies. The TAG would have continued to annually review and provide feedback on the wildlife protection throughout the Meliadine Extension mine life – the wildlife mitigation measures are adjustable and will continue to be adjusted in consultation with Inuit, KivIA, Dene and HTO members. There are also other terms and conditions applicable to the topics flagged by

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<sup>9</sup> Volume 8, NIRB Public Hearing Transcripts, p.1313

NIRB available to NIRB in relation to other Project Certificates, including Meadowbank, Whale Tail, and Hope Bay.

There was no reasonable basis for NIRB to suggest that there were not effective terms and conditions under which the Meliadine Extension could proceed, given the evidence presented to NIRB on the effectiveness of existing requirements.

## 4 Resolution of Other Topics Identified in Recommendation Report

The following section is intended to address other topics that NIRB identified in the Reconsideration Report, which were addressed by evidence provided by Agnico Eagle and others and by the operational permitting process, including water licensing.

### 4.1 Water Management

The Report suggests there were significant outstanding concerns relating to water management. This is not the case. In fact, participants in the Type A Water Licence amendment process were already able to advance resolution of many topics during the technical meeting held by NWB in Rankin Inlet in October 2023 and during follow up discussions in November 2023.

KivIA and Agnico Eagle agreed on a commitment to divert tailings runoff and camp sewage away from Meliadine Lake to Itivia Harbour, “ensuring that only the cleanest water is discharged into the lake” (Section 3.1.3 of the Reconsideration Report). The KivIA confirmed that any remaining concerns on discharge quantity could be discussed through the NWB process (Section 3.1.3 of the Reconsideration Report). Agnico Eagle provided predictive water quality models for discharge to Meliadine Lake and changes to water quality in Meliadine Lake (Appendices H-07 and H-09 from the NIRB submission). The results from these models were used in the water quality impact assessment (Section 7.4 of the FEIS Addendum) and in the Human Health and Ecological Risk Assessment (Section 10 of the FEIS Addendum and Appendix H-12). These results predicted that water quality in Meliadine Lake would remain below levels to protect aquatic ecosystems, terrestrial life, and human uses.

In addition, the interpretation of these predictions was confirmed by the KivIA, as referenced in the Public Hearing Transcripts [emphasis added]:

*Yes. So as Luis was mentioning, the KIA, Kivalliq Inuit Association, operates a number of independent research monitoring programs to answer the questions for the communities of the Kivalliq: Is the water safe to drink, and are the fish safe to eat? And so I'd just like to stress that over the past four years I've been running this program starting in Rankin Inlet and Baker Lake and more recently moving to Chesterfield Inlet and Whale Cove, and that in all of these samples, not one of them, including them in Meliadine Lake, have exceeded any Health Canada guidelines for the safety of human consumption. So in general the water is safe to drink, including in Meliadine Lake.*

*As far as changes in chemistry to the lake, our results generally agree with what Agnico Eagle is presenting. We see some differences in the southeast basin adjacent to the mine; however, the larger northern -- northwestern part of the lake is generally unaffected.<sup>10</sup>*

The commitment by Agnico Eagle to discharge only the cleanest water to Meliadine Lake would result in even less change to water quality in Meliadine Lake, and therefore the statements that aquatic ecosystems, terrestrial life, and human uses would be protected is still true and accurate. Therefore, the statement by the Board about whether this commitment would limit impact on water quality is unreasonable and not factual based on the evidence. Further, the water licensing process is explicitly designed to protect Nunavut waters.

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<sup>10</sup> Volume 7, NIRB Public Hearing Transcripts, p.1105-1106



As a note, the results of studies conducted to date show that the water is safe to drink, the fish are safe to eat, and the lake is healthy for fish and other organisms.

## 4.2 Saline Discharge

With respect to saline discharge to the marine environment, updated water balance and water quality models were submitted with the application to the NIRB (Appendices H-07 and H-10). In the summary of issues by parties (Section 3.1.5.3 of the Reconsideration Report), and in review of all information requests and technical comments, there was only one information request on marine water quality (DFO-IR-16); there were no technical comments.

In addition, there were no questions raised at the hearing on the topic of discharges to the marine environment or effects to the marine environment (i.e., water quality). No additional mitigation measures were proposed, because the existing Project Certificate terms and conditions applicable to saline discharge as well as the *Fisheries Act* and its regulations would have continued to protect the marine environment.

Monitoring data will be used to validate the models and predictions and then inform adaptive management (as required) to stay aligned to the predictions. Therefore, the statement by the Board about the saline discharge to Itivia on water quality is unreasonable and not factual based on the evidence.

## 4.3 Air and Dust

### Air Quality

The NIRB conclusions and recommendations on air quality (Section 5.1.5.1 of the Reconsideration Report) noted in particular:

*“The Board understands that Health Canada (HC) and Environment and Climate Change Canada (ECCC) considered their air quality concerns in relation to the Extension Proposal to be resolved (see Section 3.1.5.1). During the Public Hearing, the Board heard ADNLC and various community members speak to concerns about air quality in relation to the health of caribou in the vicinity of the mine.”*

Air quality is a technical topic and this resolution by technical experts should be respected. Agnico Eagle worked with Interveners and their technical experts to resolve technical comments they had. Concerns were addressed and there was agreement on Agnico Eagle’s conclusion on this topic.

Furthermore, air quality is within predictions as per monitoring conducted to date. We are not aware of any evidence presented in the transcripts that questions these conclusions.

### Dust

In the Meliadine Extension FEIS Addendum, dust deposition was in fact assessed in both Section 6.5 (vegetation) and Section 6.6 (Terrestrial Wildlife and Wildlife Habitat). Specifically for terrestrial wildlife and wildlife habitat the effect pathway was sensory disturbance can change the amount of different quality habitats.

Interveners had very few technical comments related to dust deposition. Health Canada did have technical comments, as did Environment and Climate Change Canada; however, all comments were resolved with interveners and their technical experts.



Monitoring results confirm that the 2014 FEIS predictions were conservative, and there was no evidence presented during the hearing that the project would not continue to operate within predictions. Determinations by the Board must be made on evidence, not perception.

#### **4.4 Cumulative Effects**

##### **4.4.1 Hunter Harvest Surveys**

Contrary to statements in the Board's Report, Hunter Harvest Studies carried out by Agnico Eagle in collaboration with the HTO support the view that hunting continues to be successful in the vicinity of the Project. The IIBA for the project also includes detailed and comprehensive hunter protections. This is also supported by the fact that hunting limits have not been established for the primary herds hunters rely on, including hunting limits for outfitters, and hunters are able to meet their own needs as well as export caribou outside the region. As noted above, there is reliable evidence that the Meliadine Mine is not causing significant effects to caribou as a result of its operations.

In response to questions received during the Public Hearing regarding hunter harvest studies Agnico Eagle confirmed that harvesting rates have remained stable:

*"Also based on the hunter harvest study that is done in collaboration with the hunters and trappers, we have seen that the harvesting rate has remained stable with the study that was done by the Nunavut Wildlife Management Board harvest study in Rankin Inlet from 1996 to 2021, so pre-construction."<sup>11</sup>*

##### **4.4.2 Cumulative Effects Assessment**

The Board has provided no evidence or basis for their conclusions made with respect to cumulative effects.

The 2014 FEIS assessment and the Meliadine Extension assessment demonstrated a fulsome cumulative effects assessment. As per the NIRB's conformity determination of August 5, 2022, which commence the technical review, NIRB confirmed that the cumulative effects assessment submitted by Agnico Eagle met the rigorous information required by the NIRB. Once NIRB made that determination, disagreement about cumulative effects assessment from individual interveners should not be relevant. Under NuPPAA, the NIRB process is designed to be a balanced approach of it's Participants. In addition the NIRB FEIS Guideline should be determinative for the assessment guidance.

There were no technical comments throughout the Meliadine Extension technical review from intervenors on cumulative effects on air quality, fish, freshwater quality and marine water quality. All technical comments on these topics were resolved with the responsible parties.

Further, in the Reconsideration Report Table 22 (Section 4) there are only two comments made from Public or Community Roundtable with respect to cumulative effects. These are attributed to caribou and future exploration.

With respect to caribou, Agnico Eagle disagrees that the cumulative effects assessment was inadequate in assessing the residual effects of extending the mine life by an additional 11 years. The Meliadine Extension assessment quantified the cumulative direct and indirect effects to habitat in the FEIS Addendum (Tables 6.6-10 and 6.6-11) and in response to technical comments (Tables GN-TRC05-3 to TRC05-10; Agnico

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<sup>11</sup> Volume 3, NIRB Public Hearing Transcripts, p.344-345

Eagle 2023b<sup>12</sup>) using conservative assumptions, such as larger development footprints and zones of influence than supported by the scientific literature. The magnitude of incremental direct and indirect effects, regardless of study area size considered, was less than 1% of preferred caribou habitat for the Meliadine or Meliadine Extension, which is a low magnitude. Low impacts are predicted with be within the range of baseline values as defined in the 2014 FEIS (Table 6.6-29).

#### **4.5 Correction of Inaccuracies Reflected in the Recommendation Report**

An overview of some of the inaccuracies our staff and third-party experts have identified is provided below; however, this is not a comprehensive list of errata included in the Report.

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<sup>12</sup> Agnico Eagle. 2023b. Additional Technical Questions from the GN – Habitat Loss Calculation – Meliadine Extension. Attachments A to M, inclusive. May 23, 2023

**Table 4-2: Inaccuracies Reflected in the Recommendation Report**

<b>Reconsideration Report</b>	<b>Citation from Reconsideration Report</b>	<b>Error</b>
Chairperson's Forward	"As this is the first windfarm that the Qamanirjuaq herd would be exposed to in their range the extent of impacts on caribou health and behaviour due to visual disturbance, noise, and vibration from the wind turbines alone or in combination is unknown and evidence concluding that there were no significant negative effects on other caribou populations from windfarms at the Raglan and Diavik mines was not directly comparable"	The windfarms at Raglan and Diavik are directly comparable. The Diavik windfarm is located adjacent to an operating mine and are located in caribou habitat and caribou interact with these windfarms on a regular basis. In both cases no adverse effects were identified for caribou at the windfarms.
Chairperson's Forward	Important components of the existing caribou monitoring for the approved-Project were only recently established, (e.g., the Terrestrial Advisory Group (TAG) and the commencement of the Hunter Harvest Study), and accordingly, it is unclear whether existing programs would be sufficient to prevent and/or adaptively manage the unpredicted effects on caribou that could result from the Extension Proposal.	<p>The caribou monitoring program at the site has been active since the mine was constructed.</p> <ul style="list-style-type: none"> <li>• Height of Land (HOL) surveys began in 2018 and are effective at detecting approaching caribou and triggering shutdown of the mine and AWAR. Looking at the collar data and the HOL data indicate that HOL surveys detect caribou both before collars enter the area and after the collars have left the area.</li> <li>• The Behaviour monitoring program has been active for 4 years 2020-2023 and has shown only short term and small scale effects of disturbance on caribou behaviour.</li> <li>• Camera monitoring program has been active for 4 years 2020-2023 and shows no hesitation to cross roads and continued use of the area surrounding the mine.</li> <li>• The commitment 38 analysis showed no avoidance of the mine or AWAR by collared caribou.</li> </ul> <p>It is incorrect to infer that these programs have not been reviewed - the members of the TAG, including the KIA and GN, are provided with the results of monitoring data yearly through the NIRB annual report and have provided comments and advice on these programs since they began.</p>
Chairperson's Forward	"With the recognition of the ... vulnerability of the Qamanirjuaq herd..." [footnote to this sentence states, "The Board is aware that in 2016, the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) classified barren ground caribou as "threatened".	The Government of Nunavut does not support the possible listing of barren-ground caribou as a threatened species, according to GN Environment Minister Daniel Qavvik. See <a href="https://nunatsiaq.com/stories/article/barren-ground-caribou-shouldnt-be-listed-as-threatened-gn/">https://nunatsiaq.com/stories/article/barren-ground-caribou-shouldnt-be-listed-as-threatened-gn/</a>

<b>Reconsideration Report</b>	<b>Citation from Reconsideration Report</b>	<b>Error</b>
Section 5.1.1.2	These circumstances highlight the importance of reviewing regional monitoring information in context with site-specific/project-specific monitoring data to gain a more robust understanding of changes in the use of important caribou crossing areas at the site. This is particularly the case when, as is the case with the Extension Proposal, modifications to an existing Project would result in the installation of additional infrastructure, such as roads and a waterline at the Discovery site near another important crossing area used by caribou.	In fact, the Discovery site and Discovery Road are already part of the permitted project.
Section 5.1.3	“These concerns echoed the concerns conveyed by Nunavut Tunngavik Incorporated, the Kivalliq Inuit Association (KIA) and the Kangiqliniq Hunters and Trappers Organization (KHTO) .... water quality in Meliadine Lake and its downstream rivers has been impacted by the discharges of surface contact water, treated sewage and saline groundwater into Meliadine Lake.”	The inaccuracy in this statement is that saline groundwater is not and will not be discharged to Meliadine Lake.
Section 5.1.6.1	<ul style="list-style-type: none"> <li>• Applications for future modifications should include: <ul style="list-style-type: none"> <li>• Information regarding how Agnico Eagle is continuing to address the public perception that drinking water quality in Meliadine Lake and Meliadine River has been affected by discharges from the approved Project; and</li> <li>• Information regarding how Agnico Eagle is incorporating what is heard from the community into its Water Management Plan and how Agnico Eagle plans to report this information back to the community.</li> </ul> </li> </ul>	<p>First bullet: Agnico Eagle did complete site water management visits, as was presented during the Public Hearing and Community Roundtable, through verbal and visual presentations.</p> <p>Second bullet: Agnico Eagle agreed on a Term and Condition with the KivA where we would get feedback on water management and report back on what we did with their information.</p>
Section 5.3.4	“the continued release of saline effluent via the waterlines into Itivia Harbour”.	This is incorrect since construction of the waterline has not been completed and thus Agnico Eagle is not yet discharging saline effluent to Itivia Harbour (although this activity has been approved through PC No.006 Amendment 2).

## **5 Procedural Concerns**

Agnico Eagle also has identified a number of procedural concerns in relation to the Recommendation Report and the process leading up to it.

### **5.1 Integration of ADNLC into NIRB Review Process**

In December 2022, the Minister required the NIRB to add the Athabasca Denesųliné Néné Land Corporation (**ADNLC**) to the proceedings, which was the first notice provided to Agnico Eagle of ADNLC's desire to participate. This occurred following the completion of several important procedural steps, including the first technical meeting.

To be clear, Agnico Eagle is supportive of ADNLC's inclusion and looks forward to continuing to work with their members. Unfortunately, late entry into the process may have contributed to misunderstandings of evidence, despite Agnico Eagle's best efforts to support ADNLC through inclusion in caribou discussions outside formal NIRB technical meetings. It would have been preferable to have the opportunity to work together from the beginning of the process.

There were also suggestions in the Report that the Beverly and Qamanirjuaq Caribou Management Board (**BQCMB**) should have participated in the Meliadine Extension process. However, relevant resources produced by the BQCMB were considered and presented by many experts (including Agnico Eagle's experts). There was no information gap as a result of the BQCMB's lack of direct participation. Respectfully, adding parties adds time and complexity to the process, detracting from opportunities for community participation, and suggestions that additional parties should be added to NIRB processes should be made with great care.

Going forward, it is essential to identify all required participants at the outset of the application, to clearly provide a rationale for their inclusion, to consider impacts of late entry of parties into the process and steps the NIRB could take to address those impacts.

### **5.2 Admission of Late Filings Caused Confusion**

Certain procedural decisions made by NIRB with respect to the admission of late filings supported confusion. For example, despite Agnico Eagle's formal procedural fairness objections NIRB allowed the GN to make a very late filing (i.e., issued by NIRB to parties on September 6, 2023) and presentation during the public hearing. This presentation was given special status on the NIRB's agenda for the public hearing.

GN suggested this information was filed in response to an information request of the KivIA filed over 52 weeks previously, and the NIRB accepted the filing on this basis despite not making any specific requests for this presentation previously. Given the close proximity of this filing to the public hearing, as well as its release during the summer months, consideration of this new evidence was unfairly rushed. This evidence was not subject to proper discussion as part of the NIRB process at technical meetings or exchange of written submissions. It was presented live during the public hearing, with minimal to no advance notice of what GN intended to say about the animations. If the NIRB deemed this information to be necessary to its decision making, NIRB should have required GN to provide this information promptly in response to the KivIA's information request 52 weeks earlier.

As a result, the accurate meaning of the GN animations for the Meliadine Extension was not properly understood by the NIRB or several hearing participants. In fact, the GN animations clearly show that collared caribou continue to move through the mine site, in a manner that is consistent with predictions and

the 2014 NIRB approval. They also verify original FEIS predictions that caribou would choose to cross less in areas where there were new mine buildings (the “narrows”). Additional evidence filed by Agnico Eagle also supported this conclusion, showing non-collared caribou moving through the mine site and continuing migration. Interestingly, observations in the field show that caribou continue to cross at the narrows despite predictions. The Board also includes a quote from the KHTO representative in its Report in relation to the Sadlik crossing that indicated that the mine “*affected the movement of the caribou, but it did not decline the caribou.*” Again, this is consistent with 2014 FEIS predictions.

It would be appropriate that NIRB provides clear determinations about required information at the information request stage, and more caution should be taken by NIRB in accepting the presentation of technical evidence at public hearings with little advance notice to the applicant and that has not been subject to proper procedural steps.

### **5.3 Full Sitting Board Did Not Vote**

The full contingent of NIRB members that attended the public hearing did not participate in the vote on the Meliadine Extension proposal. Decisions of the magnitude of the Meliadine Extension should be made by all sitting members of the NIRB, and all efforts should be made to include all members that participate in a public hearing in a formal final vote.

### **5.4 NIRB confirmed that the Application met NIRB’s information requirements but suggested in Report that there was insufficient information available**

Additionally, the Recommendation Report suggests that insufficient information was provided on key topics such as caribou, which contributed to the NIRB’s decision to issue a negative recommendation. Respectfully, the NIRB made its determination that the materials provided conformed to NIRB application requirements on August 5, 2022 and thus were sufficient to advance to the technical review stage as well as the public hearing. Agnico Eagle fulfilled every information request from NIRB staff.

If by the end of the public hearing the NIRB thought additional information was required in order for it to make its decision, it was open to them to make additional information requests (noting that the record was not closed as of the end of the public hearing). Before making a determination in a report to the Minister that information is insufficient, the NIRB should first identify those potential gaps and give the applicant a proper fair opportunity to provide that information. While it is acknowledged that this step could cause delays at the end of the process, that would be a preferable outcome to making a determination in a Report that information is insufficient when such information is in fact available. This approach would result in improved information for NIRB decision making, and more accurate reports on which the Minister can base their final decision.

### **5.5 Use of More Stringent Version of Precautionary Principle Without Advance Notice**

Finally, the Report indicates NIRB applied a “more stringent version” of the Precautionary Principle to its analysis of caribou issues. This “more stringent version” is not reflected in the Guidelines for the Meliadine Project Proposal, nor in Canadian legislation, and advance notice of this approach was not given to Agnico Eagle.

The definition of the Precautionary Principle that is applied by NIRB in its decision making should be as it is defined by the United Nations in the Rio Declaration on Environment and Development and as generally defined in Canadian legislation – “*Where there are threats of serious or irreversible damage, lack of full*

*scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.”*

Had it been given the fair opportunity to do so, Agnico Eagle would have provided the NIRB with its detailed rationale specific to the “more stringent” version of the Precautionary Principle for its conclusion that the caribou measures in place at Meliadine Mine meet its requirements. While these measures come at a significant financial cost (over \$5 million at the Meliadine Mine in 2023 alone), Agnico Eagle is not hesitating to implement industry leading measures to shut down its infrastructure to limit interactions with caribou (it is noted that southern mining operations do not follow these stringent measures). However, in the light of the facts and the scientific studies submitted, no additional measures appeared to be required under the precautionary principle, since no serious harm to caribou was predicted because of the Meliadine Extension. Moreover, the data accumulated over the past 8 years and the expertise acquired since the start of activities at the site made it difficult to conclude that there was a situation of scientific uncertainty.

## **6 Conclusion**

As noted above, Agnico Eagle is of the view that the NIRB should have recommended that the Meliadine Extension proceed (without the windfarm), based on the evidence provided. However, due to timing concerns and other factors we are withdrawing the Meliadine Extension proposal from the NIRB process at this time.

Agnico Eagle is currently revising its Type A Amendment Application to remove all aspects related to the Meliadine Extension and will proceed with the Type A Water Licence amendment process to implement items approved by NIRB in 2014 under the Project Certificate that are not yet included in the Type A Water Licence scope.

Please note, however, that we are not ruling out the submission of a new application regarding a Meliadine extension project, in due time and when conditions will be suitable.



## **Appendix A– WSP Technical Response to Reconsideration Report (Caribou)**



## TECHNICAL MEMORANDUM

**DATE** November 30, 2023

**Reference No.** 22524250-991-TM-Rev0-2000

**TO** Jamie Quesnel and Manon Turmel  
Agnico Eagle Mines Limited

**FROM** Dan Coulton, Corey De La Mare

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### RESPONSE TO NIRB REPORT ON MELIADINE EXTENSION PROJECT

On November 17, 2023, the Nunavut Impact Review Board (NIRB) issued their Reconsideration and Recommendation Report (RR Report) on Angico Eagle Mines Limited (Agnico Eagle) Meliadine Extension proposal. In the report, NIRB concluded that *“the potential for significant adverse ecosystemic and socio-economic effects cannot be adequately managed and mitigated and the Project should not be allowed to proceed at this time”*. The general theme of the RR Report is that there remains a high degree of uncertainty related to caribou distribution, unpredicted effects have been observed, the adaptiveness and efficacy of mitigation is uncertain, and that Agnico Eagle's cumulative effects magnitude are not accurate due to an additional 11 years of operation of the Meliadine mine as a result of the Meliadine Extension application, and all of these factors required NIRB to apply the precautionary principle and not approve the Meliadine Extension Project.

The rationale to support NIRB's conclusions on caribou are provided in Table 1 below. In addition to their rationale, NIRB made recommendations related to caribou in their RR Report, which are presented in Table 2. At the request of Agnico Eagle, WSP has reviewed the NIRB RR Report and prepared responses to NIRB's rationale and recommendations (Tables 1, 2). Based on NIRB's rationale and recommendations in their RR Report, NIRB appears to not be considering the following key information:

- Caribou observations during the calving and post-calving periods during baseline were reported in the 2014 FEIS for the Meliadine Mine, which was approved by NIRB;
- Inuit Qaujimagatuqangit (IQ) collected and reported in the 2014 FEIS indicates that caribou migrate through the area every 6 to 12 years;
- Agnico Eagle demonstrated that the existing mitigation is effective and adaptive and has worked directly and extensively with the Kivalliq Inuit Association to develop and implement this mitigation;
- Intervenors (e.g., GN and KivIA) did not provide evidence to support their claims about uncertainty, disagreement with evidence conclusions or mitigation ineffectiveness;
- Conservatism (e.g., exaggerated zones of influence, exaggerated disturbance effects) were applied in the cumulative effects assessment to maximize predicted effects to caribou, resolve uncertainties and increase confidence in conclusions; and,
- Agnico Eagle did assess the 11 years of additional Mine life consistent with NIRB assessment guidelines on residual impact classification and significance determination.

Table 1: Key Concerns Identified by NIRB in their Reconsideration and Recommendation Report on the Meliadine Extension Proposal

ID	NIRB Rationale	Agnico Eagle Response
1	<p>Since the original Meliadine Gold Mine Project was approved to proceed in 2015, caribou migration routes appear to be shifting, with the calving and post-calving ranges shifting closer to the mine (RR Report p. iv).</p> <p>Recent project monitoring indicates that during the post-calving period caribou are having greater interactions with the mine site than was previously predicted (RR Report p. iv).</p>	<p>There is no uncertainty related to shifting Qamanirjuaq caribou calving and post-calving ranges and interactions with the Meliadine Mine. Caribou were observed during aerial surveys in the calving and post-calving season in 1998, 1999 and 2008 as part of the Meliadine Mine baseline studies and reported in the 2014 FEIS (Volume 6, Table 6.6-5; Agnico Eagle 2014). Caribou collar data considered in the 2014 FEIS also supported presence during the post-calving period (Volume 6, Figure 6.6-13; Agnico Eagle 2014) and similarly for the Meliadine Extension (Section 6.6.4.1, p. 169; Agnico Eagle 2022a). The traditional calving grounds were reported in the Meliadine Extension to be located west of the Regional Study Area and south of Baker Lake (Section 6.6.4.1, Agnico Eagle 2020), which is consistent with where current calving ranges are located (Agnico Eagle 2023b: Response to GN-TRC-05, Attachments A, B). Inuit Qaujimagatuqangit (IQ) collected and reported in the 2014 FEIS indicated that caribou migrate through the area every 6 to 12 years (Section 6.6.8.2, p. 6-244; Agnico Eagle 2014; Agnico Eagle 2022b: Response to GN-IR-1) and confirm caribou ranges (including migration routes) shift periodically and naturally. It was predicted in the Meliadine Extension assessment that caribou would interact with the Approved Meliadine Mine during post-calving season (Section 6.6.4.1, p. 167; Agnico Eagle 2022a). The Meliadine Mine does not currently occur within the calving range (Agnico Eagle 2023b: Response to GN-TRC-05). The predictions related to interaction by caribou during the post-calving period presented in the 2014 FEIS and the Meliadine Extension are consistent with observed patterns and baseline.</p>
2	<p>The reasons for the shifting ranges, and whether this is a short or long term change are unclear (RR Report p.iv).</p>	<p>Inuit Qaujimagatuqangit (IQ) collected and reported in the 2014 FEIS indicated that caribou migrate through the area every 6 to 12 years (Section 6.6.8.2, p. 6-244, Agnico Eagle 2014; Agnico Eagle 2022b: Response to GN-IR-1) and confirm caribou ranges (including migration routes) shift periodically and naturally.</p>
3	<p>While there was considerable uncertainty about the representativeness of caribou collar data and the confidence of conclusions it was used to support, it appears that caribou may be changing their movement across the mine site and have reduced their use of traditional routes to cross Meliadine Lake at the Sadlik/Narrows (RR Report p. iv).</p>	<p>The 2014 FEIS (Agnico Eagle 2014) and the Meliadine Extension predicted direct habitat loss within the Project footprints (Agnico Eagle 2014; Table 6.6-21, Agnico Eagle 2022a; Table 6.6-5). Direct habitat loss means that Mine site will not provide suitable habitat for caribou. The Government of Nunavut animations and collared caribou movements mapped in the response to Kivalliq Inuit Association Questions (Agnico Eagle 2023b, Attachment K, Figure QIVc) show movement across the Mine site and All-weather Access Road (AWAR) since construction. Use of the Mine site and AWAR demonstrates that these developed areas provide some suitability value to caribou and that the direct effects to habitat are less than predicted in the 2014 FEIS and for the Meliadine Extension (i.e., the FEIS predicted zero value for these areas, whereas in reality caribou are moving through the Mine site).</p> <p>Residual negative low magnitude and regional extent effects on the disruption or alteration of caribou migration routes from the presence of the Meliadine Mine was predicted in the 2014 FEIS (Table 6.6-30; Agnico Eagle 2014) and the Mine was Approved by NIRB with these residual effects identified. A regional extent would include changes to those migration routes near or adjacent to the Approved Mine such as the Meliadine Narrows or near Discovery. These predictions were made by conservatively assuming caribou would avoid Meliadine Mine due to mining activity sensory disturbance effects predicted for caribou habitat. The animations shared by the GN shown at the Final Hearing or the Mine’s monitoring data support that caribou are not avoiding Meliadine Mine and are freely moving through it. Consequently, the predicted effects to caribou movement from the Meliadine Mine as presented in the 2014 FEIS are over-estimated and conservative, which increases confidence in conclusions.</p> <p>The Meliadine Extension assessed as to whether the prediction from the 2014 FEIS would increase in magnitude, spatial extent and duration using conservative assumptions about indirect habitat loss from sensory disturbance including the proposed windfarm. The residual incremental effect magnitude was &lt;1% for preferred caribou habitat in both the post-calving and summer ranges for either the Meliadine Mine or Meliadine Extension (Agnico Eagle 2023b: Response to GN-TRC-05, Tables TRC05-4, TRC05-6). Agnico Eagle demonstrated that the addition of the Meliadine Extension does not increase the residual effect magnitude from low and regional scale predicted for the Meliadine Mine in the 2014 FEIS (Table 6.6-30, Agnico Eagle 2014). Empirical scientific studies indicate that reductions in habitat availability need to be between 10% and 60% before wildlife population vital rates are affected and populations decline (Andr�n 1994, 1999; Fahrig 1997; M�nkk�nen and Reunanen 1999; Flather and Bevers 2002; Swift and Hannon 2010). Thus, the low magnitude and regional residual effects over an additional 11 years of mine life are not predicted to decrease the resilience and increase the risk to population maintenance for caribou or opportunities for traditional and non-tradition use.</p> <p>As presented at the Final Hearings and in the May 23 submissions (Agnico Eagle 2023b: Attachment K, KivIA Q1iii, Table 4) the number of collared caribou peaked in 2019 at 82 and subsequently decreased to 60 in 2020, 36 in 2021 and 45 in 2022. The chance that a collared caribou would be observed crossing a specific area like the Meliadine Narrows will be influenced by the number of collared caribou. Thus, failure to observe collared caribou crossing the Meliadine Narrows may be related to reduced numbers of collared caribou. Nonetheless, Agnico Eagle showed evidence in the form of witness testimony and monitoring photos and caribou group locations that caribou continue to use Meliadine (Sadlik) Narrows. Furthermore, Local Knowledge testimony was shared that caribou cows with calves do not like to use water crossings when partially thawed due to injury risk, which is a natural factor and unrelated to the Mine. Monitoring of caribou by Meliadine Mine confirms that caribou have been present at the time of year when the Meliadine Narrows are thawing, which may explain why caribou may be using the Meliadine Narrows less from observations of collar data that represent previous and later times of year.</p> <p>The evidence provided to date supports both the 2014 FEIS and Meliadine Extension conclusions of non-significant effects for direct and indirect habitat loss and changes to migration route effects pathways. Intervenors did not provide any evidence to the contrary.</p>
4	<p>Important components of the existing caribou monitoring for the approved-Project were only recently established, (e.g., the Terrestrial Advisory Group (TAG) and the commencement of the Hunter Harvest Study), and accordingly, it is unclear whether existing programs would be sufficient to prevent and/or adaptively manage the unpredicted effects on caribou that could result from the Extension Proposal (RR Report p. vii).</p>	<p>The Meliadine Mine’s Terrestrial Advisory Group (TAG) was an outcome directed by NIRB from the Waterlines Addendum, which occurred after Meliadine Mine was Approved by NIRB and developed. The Meliadine Mine has implemented a Terrestrial Ecosystem Management and Monitoring Plan (TEMMP) since 2018 and monitoring results have been annually reported to NIRB. As noted in response to comment #1, there have been no unpredicted effects on caribou. In contrast, Agnico Eagle provided evidence during the Final Hearings in two presentations (Environmental Overview; Agnico Eagle Response to GN’s Animation) that the TEMMP is adaptive; mitigation implementation has occurred with the same frequency and duration as caribou interactions. Determination of mitigation effectiveness and adaptive nature can and has been demonstrated in the absence of the TAG. No evidence was provided by Intervenors that the mitigation is not working or not adaptive. In fact, the implementation of mitigation has continually been done in collaboration with the KivIA.</p>

Table 1: Key Concerns Identified by NIRB in their Reconsideration and Recommendation Report on the Meliadine Extension Proposal

ID	NIRB Rationale	Agnico Eagle Response
5	the Board noted high levels of uncertainty as to whether existing or modified mitigation measures, such as shutting down mining operations, the road and the wind turbines when distance and herd size thresholds are met would be sufficiently protective to prevent or manage negative effects from the activities, works and undertakings proposed in the Extension Proposal (RR Report p. ix).	Angico Eagle disagrees that there are high levels of uncertainty related to the effectiveness of the work suspension protocol, which is mitigation to minimize sensory disturbance effects to caribou in accordance with mitigation hierarchy (BBOP 2015). Sensory disturbances from mining activities include fugitive dust production, noise, smells, visual, etc. introduced into the environment by mining activity (Section 6.6.5.2; Agnico Eagle 2022a). When activities are suspended sources of sensory disturbance are minimized. For example, when the AWAR is closed to Mine-related traffic this means that vehicles are not moving along the AWAR and not producing fugitive dust, visual effects, and the noise from the vehicles is no longer present. Hence these sources of sensory disturbance are effectively mitigated. This was explained by Agnico Eagle in the response to KivIA-TRC-02 (Agnico Eagle 2023c). There has also never been a documented mine-related caribou injury or mortality at the Meliadine mine site, which demonstrates that other mitigation is effective at mitigating risks to caribou. Caribou injuries and mortalities would remove individuals from the population, but this has not occurred, which was also conveyed at the Final Hearings and annually reported to NIRB as part of the existing Meliadine Project.
6	Several members of the newly formed Terrestrial Advisory Group (TAG) contested the conclusions of Agnico Eagle's Commitment 38 Analysis, which Agnico Eagle provided as evidence that the approved Meliadine Gold Mine Project does not impact the movement of caribou and that mitigation measures are functioning. Although Agnico Eagle committed to reviewing the Commitment 38 Analysis with the members of the TAG, presently the Board does not have confidence in Agnico Eagle's conclusion that caribou movement is not being impacted by the approved Project (RR Report p. 103).	While members of the Terrestrial Advisory Group (TAG) present at the Final Hearings indicated they did not agree with Agnico Eagle's conclusions in the Commitment 38 Analysis report, none of the TAG members provided any evidence to support why they did not agree. Without supporting evidence about why the TAG members do not agree with the conclusions it is not possible for Agnico Eagle or the report's expert authors to respond and defend conclusions that were based on the evidence provided in the Commitment 38 Analysis report. Agnico Eagle worked with the TAG members to develop the objectives and study design for the Commitment 38 analysis and the TAG approved the study design.
7	The Board recognizes the importance of ensuring that mitigation measures are protective of caribou, including not disrupting caribou movement, and this importance was emphasized during knowledge shared with the Board throughout the assessment, including at the Public Hearing (RR Report p. 103).	As noted in the response to NIRB comment 3, low magnitude and regional residual but not significant effects to caribou movement and migration routes was predicted for the Meliadine Mine in the 2014 FEIS. NIRB approved the Meliadine Mine with residual but not significant effects. The Meliadine Extension assessment provides evidence that the Meliadine Extension does not change conclusions of the 2014 FEIS. It is not possible to develop a Project with no effects on the environment including to interacting caribou. Agnico Eagle demonstrated that the existing mitigation is effective and adaptive at minimizing the residual effects including to disruption or alterations of caribou migration routes because it does minimize sensory disturbances from mining activities.
8	As this is the first windfarm that the Qamanirjuaq herd would be exposed to in their range the extent of impacts on caribou health and behaviour due to visual disturbance, noise, and vibration from the wind turbines alone or in combination is unknown and evidence concluding that there were no significant negative effects on other caribou populations from windfarms at the Raglan and Diavik mines was not directly comparable (RR Report p. iv).	Diavik Mine is an operating mine with a windfarm. Diavik's windfarm was constructed and operated in 2012 and after the Diavik mine was constructed in 2003. Had the Meliadine Extension been approved with a windfarm, it would have also been a mine with a windfarm, so these are comparable. An operating windfarm and mine is also the perspective that caribou would experience for the Meliadine Extension. Annual zones of influence (i.e., indirect effects to habitat) estimated from Bathurst caribou collar data show no increase in avoidance since the Diavik's windfarm became operational in 2012 (Table 3, Boulanger et al. 2021). In contrast, the annual patterns over the subsequent seven years since construction and operation of the windfarm show a reduction in the spatial extent of annual zones of influence relative to 2011, which supports conclusion of no strong response to the Diavik windfarm by caribou as conveyed during the Final Hearings.

Table 2: NIRB Recommendations

ID	NIRB Recommendation	Agnico Eagle Response
1	Evidence that mitigation measures are currently protective of caribou and that the current Project is not impacting changes to migration (RR Report p. 115).	As noted in the response to NIRB comment 3, residual but not significant effects to caribou movement and migration routes was predicted for the Meliadine Project in the 2014 FEIS. NIRB approved the Meliadine Mine with these residual and not significant effects. The Meliadine Extension assessment provides evidence that the Meliadine Extension does not change conclusions of the 2014 FEIS. It is not possible to develop a Project and no effect on the environment including caribou. Agnico Eagle demonstrated that existing mitigation is effective at minimizing the residual effects including to disruption or alterations of caribou migration routes.
2	Evidence that mitigation measures would be sufficiently protective of caribou even if caribou post-calving and calving grounds shift closer to the mine (RR Report p. 115).	Angico Eagle disagrees that there are high levels of uncertainty related to the effectiveness of the work suspension protocol, which is mitigation to minimize sensory disturbance effects to caribou in accordance to mitigation hierarchy (BBOP 2015). Sensory disturbances from mining activities include fugitive dust production, noise, visual (e.g., noise, smells, dust, visual effects, etc.) introduced into the environment by mining activity (Section 6.6.5.2; Agnico Eagle 2022a). When activities are suspended sources of sensory disturbance are minimized. For example, when the AWAR is closed to Mine-related traffic this means that vehicles are not moving along the AWAR and not producing fugitive dust, visual effects, and the noise from the vehicles is no longer present. Hence these sources of sensory disturbance are effectively mitigated and protective of caribou. This was explained by Agnico Eagle in the response to KivIA-TRC-02 (Agnico Eagle 2023c). Agnico Eagle provided evidence during the Final Hearings in two presentations (Environmental Overview; Response to GN's Animation) that the TEMMP is adaptive; mitigation implementation has occurred with the same frequency and duration as caribou interactions. The TEMMP includes other mitigation that works and is protective of caribou. For example, there has never been a mine-related caribou injury or mortality, which demonstrates that mitigation like animal right-of-way, alert communications and isolating mine hazards are effective.
3	Reporting that demonstrates the TAG is an effective and functional group that collects and applies Inuit Qaujimaqatugangit, Indigenous Knowledge and western science to design, implement, monitor, and assess the effectiveness of mitigation and adaptive management strategies (RR Report p. 115).	The presence of a TAG is not mitigation and is not required to demonstrate that IQ and Traditional Knowledge is collected and applied to the Meliadine Mine's TEMMP or that mitigation is effective and adaptive management takes place. Agnico Eagle has been doing this through the application of the TEMMP before the TAG was formed. Agnico Eagle provided evidence that mitigations are effective and monitoring supports that the residual effects are as or less than predicted in the 2014 FEIS and the Meliadine Extension.
4	Agnico Eagle did not sufficiently consider the cumulative effects of the temporal changes to the approved Meliadine Gold Mine Project under the auspices of the Extension Proposal. However, in the Board's assessment of cumulative effects the Board has considered the 11-year extension to the duration of existing effects to be a relevant consideration (RR Report p. 126).	Agnico Eagle disagrees that the cumulative effects assessment was inadequate in assessing the residual effects of extending the Meliadine Mine's life by an additional 11 years by the Meliadine Extension. The Meliadine Extension assessment quantified the cumulative direct and indirect effects to habitat in Tables 6.6-10 and 6.6-11 of the Addendum (Agnico Eagle 2022a) and Tables GN-TRC05-3 to TRC05-10 (Agnico Eagle 2023b) using conservative assumptions, such as larger development footprints and zones of influence than supported by the scientific literature. The magnitude of incremental direct and indirect effects, regardless of study area size considered, was less than 1% of preferred caribou habitat for the Meliadine or Extension Project, which is a low magnitude. Low impacts are predicted with be within the range of baseline values as defined in the 2014 FEIS (Table 6.6-29; Agnico Eagle 2014) for the Approved Meliadine Mine. As identified in the response to SDFN/NDFN-IR-4 9 (Agnico Eagle 2022b), the 11 years of additional operation for the Meliadine Extension was considered in the duration for determination of significance. For indirect effects, the minimization of sensory disturbances resulting from the work suspension protocol mitigation would further reduce the incremental indirect effects (e.g., noise, dust, visual effects, etc.) predicted for the Meliadine Mine and Meliadine Extension and reduce the geographic extent from regional to local. Duration includes reversibility and indirect effects will be reversable after reclamation is completed and there is no further activity related to the Meliadine Mine (include Meliadine Extension). Agnico Eagle demonstrated that the addition of the Meliadine Extension does not increase the residual effect magnitude from low and regional scale predicted for the Meliadine Project in the 2014 FEIS (Table 6.6-30). Empirical scientific studies indicate that reductions in habitat availability need to between 10% and 60% before wildlife population vital rates are affected and populations decline (Andr�n 1994, 1999; Fahrig 1997; M�nkk�nen and Reunanen 1999; Flather and Bevers 2002; Swift and Hannon 2010). Thus, the low magnitude and regional residual effects over an additional 11 years of Mine life are not predicted to decrease the resilience and increase the risk to population maintenance for caribou or opportunities for traditional and non-tradition use because they are well within the adaptive capacity of caribou and wildlife populations.
5	Agnico Eagle's cumulative effects analysis was insufficient to adequately assess the cumulative effects that intensifying and extending the mine life by 11 years would have with respect to key issues such as: <ul style="list-style-type: none"><li>▪ The continued effects of land disturbance and noise on wildlife, particularly caribou, from the continuation of road usage and intensification of project activity for an extended timeline.</li><li>▪ The continued release of dust from the continuation of road usage and intensification of project activity for an extended timeline.</li><li>▪ The continued release of surface contact water and treated sewage into Meliadine.</li><li>▪ Lake.</li><li>▪ The continued release of saline effluent via the waterlines into Itivia Harbour.</li><li>▪ The continued interaction of project-related shipping with the marine environment.</li><li>▪ Or an extended timeline.</li></ul> (RR Report p. 127).	
6	Consequently, the Board is not confident that Agnico Eagle's predictions with respect to the magnitude of these extended effects over time is accurate or that the current and proposed mitigation measures would be sufficient to address the potential adverse effects over the extended timeline (RR Report p. 128).	Conservative assumptions were applied throughout the assessment of incremental and cumulative effects resolve uncertainties and to maximize predicted effects and provide confidence in conclusions, which were discussed in the 2014 FEIS (Section 6.6-12, Agnico Eagle 2014) and the Meliadine Extension (Section 6.6.8, Agnico Eagle 2022a). For example, a 500 m radius was assumed as the footprint area of exploration sites (78.5 ha). This overestimates direct habitat loss as drilling activities are generally completed in winter to avoid rutting from the rig and on-site vehicles. Similarly, conservative extents and magnitudes of sensory disturbance relative to the scientific literature were applied to maximize indirect habitat loss and were assumed to be present for the duration of development permits even though they may only operate seasonally (e.g., winter operations of exploration sites). This also would overestimate effects to habitat and provide confidence that effects were not underestimated. The extents and magnitudes of sensory disturbance reported in the scientific literature reflect changes in response to all cumulative sources of sensory disturbance (e.g., noise, dust, smells, visual effects, etc.). As described in the assessment methods for determination of significance (Section 6.6.11.1; Agnico Eagle 2014), the assessment considers the cumulative results from all primary pathways assessed. Further, monitoring results show that caribou use and move through Meliadine Mine and AWAR and supports that the magnitudes direct and indirect effects to caribou habitat and disruption of migratory routes predicted in the 2014 FEIS and the Meliadine Extension were overestimated. Please refer to the response to NIRB recommendation 5 regarding significance determination and consideration of 11 years of additional Meliadine Mine life from the Meliadine Extension. The assessment methods are consistent with NIRB guidelines (NIRB 2012, 2018) on residual impact classification and significance determination and the different levels of magnitude followed thresholds reported in the scientific literature (Section 6.6.10, Agnico Eagle 2014). Please refer to the response to NIRB rationale 4. Agnico Eagle has provided evidence that existing mitigation at the Meliadine Project is effective and adaptive to protect caribou. No evidence was provided by Intervenor�s indicating that the existing mitigation was ineffective or maladaptive.

## CLOSURE

We trust the above meets your requirements. If you have any questions or requirements, please contact the undersigned.

**WSP Canada Inc.**

### ORIGINAL SIGNED

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[https://golderassociates.sharepoint.com/sites/162716/project files/5 technical work/nirb responses/rev 0/22524250-991-tm-rev0-2000-response to nirb recommendations on meliadine extension 30nov\\_23.docx](https://golderassociates.sharepoint.com/sites/162716/project%20files/5%20technical%20work/nirb%20responses/rev%200/22524250-991-tm-rev0-2000-response%20to%20nirb%20recommendations%20on%20meliadine%20extension%2030nov_23.docx)



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## **Appendix B– Citations from Transcripts**



## Closing Remarks Excerpts from Meliadine Public Hearings and Community Round Tables

Transcript ID	Speaker	Location (page ref.)	Quote
Volume 7 (Sept. 19, 2023)	Hatchet Lake FN	p. 1200	I'm not really -- I'm not against green energy when it comes to wind turbines. I'm -- you know, but the only problem I have, like I said before, is that -- the location of where it is. I'm a hunter. In the wintertime when I come across caribou on the lake or anywhere, they don't run towards me. They run away like they should. When you look at the crossing and then they keep saying they still cross, yes, maybe one or two. But when you look at the D mapping, it's hard to believe for thousands of caribou to come across and have nowhere to go but to go back the same way that they came because when you look at that map, there's nowhere to go unless they go right through the mine, and I don't think it's possible, especially with the caribou. I was here in June. I saw those little tiny calves. You know, they're really, really tiny. They're very vulnerable. They're vulnerable to everything, the surrounding, the sound, everything. Without the mother they have no chance of surviving. So is our little babies. Like, this proposal, when you look at it, it is something green for the north, for the future, but I don't -- I can't get around the location. I stressed this already back in June when we had a meeting with Agnico Eagle. I talked about the location because that's what -- that got me, was the location. Why not away from there because, to me, that's too close to the calving grounds. But for the extension, if it does happen, the Dene and the Inuit need to come together and come up with a better solution of how to protect the land, water, and animals, because without that, I don't think we have a chance. I don't think our kids have a chance.
	Fond du Lac FN	p. 1203	<p>... As I mentioned today and yesterday, we are not opposed, against the industry. We are opposed against the location of the wind turbines that's been proposed. If that can be relocated to an area where it does not affect the calving-ground areas, we would be happy, both sides. There -- if that happens, we know our caribou is going to be with us longer. By working together we also need to include our youth at these tables. We need to start educating them on where we sit now. We're talking about their futures and futures ahead of them. It might be too late if we don't act on it now. We don't know what the activation number is for an animal to be -- to be listed as an endangered species. If that ever happens to the Qamanirjuaq herd, we'll all be in danger, so we need to be proactive we don't see these numbers.</p> <p>Another thing in regards to the location, there's a noise pollution, habitat loss, and reduce survival or reproduction of the caribou. We also need to make sure the company uses our Inuit and Dene wisdom and knowledge to create their plan. We have to make the wise decision here to sustain our caribou. I myself, maiden name is white caribou, my mother's side....</p>
	Black Lake FN	p. 1205	<p>Caribou is part of our lives regardless how we live. An indigenous First Nation people and Inuit, these turbine, the location, it's not acceptable. Please come with a solution and resolve this issue that we've been addressing for the past few days, ten days, almost ten days. We rely on our main food as caribou, food chain.</p> <p>Mining is good in a way, but they're not going to be here forever, and the propose of the windmill, there's a lot of things that they did not address, the foundation, the location where it's going to be, the height, the width, transmission line all the way to Discovery, the pipeline. All of that, caribou will never go over it.</p> <p>Through what I experience in my lifetime as a trapper on the tundra, caribou have a vision. Not like ours. They can see miles away and hear. It's something that we need to reconsider, and that's important, the location. Like earlier before we went for a break, a lady made a presentation regarding an unusual plant. That's a serious factor right there. And also sick caribou, I came across that in my time too.</p> <p>We need to do further investigation. What's going to happen after the impact? Who is going to be reliable for it? It's going to be us, the decision we make for our people.</p> <p>I know in our past time regarding negotiation of complex things, Canada always turn it over -- rather whatever decision it makes -- we make, but this is different. I respect each and every one of you Inuit. Your words are powerful. You're strong. You work together, and we are the same as you.</p>

Transcript ID	Speaker	Location (page ref.)	Quote
			<p>There's a lot that I want to say, and when I think about it, it's never-ending. It always reflects back to the turbine. I hope and wish this is an opportunity, but I'm concerned even though it may work or may not, but the thing is, would it benefit the community of Rankin?</p> <p>I seen the location close to the mine. Are they going to provide the power source here? Is there going to be a service charge? Are you guys going to own it? Who knows? We need to reconsider. I'm very, very concerned. The reason I'm saying this, there's rich ore here. If it's all harvest out, we will be left here with nothing. Our land is beautiful.</p> <p>...</p>
	Northlands FN	p. 1209	<p>In closing, I'd just like to reiterate what's been said, that we oppose the location. We're not against -- against the turbine but the location, because we're concerned about the migration route.</p> <p>Even with the mines itself, the caribou is already disturbed. Who's to know that in, say, five years they won't see any caribou in the -mile range, and then there will be no shutdowns, and there will be room for expansion if there's no caribou around. No telling where it's going to migrate to, you know, maybe further west. That's a concern for our community. I speak for the people of Lac Brochet. There's no telling what the future has in store for us.</p> <p>I remember the Elders used to say there will come a time when you catch two fish but end up throwing back one. You'll be allowed one fish. The same for the caribou, there will be a limit, restrictions on it. Each family might harvest one caribou.</p> <p>All this talk, you know, about caribou all these years, if it does go, say, to , 50,000 there will be a cap on it. So that's what concerns me, and I wouldn't want to see that in my lifetime.</p>
	Sayisi FN, Tadoule Lake	p. 1210	[nothing about the project specifically.]
	Whale Cove	p. 1219	<p>Like I mentioned earlier, I've been involved with all kinds of board and stuff, trying to support my community. And -- and when exploration comes to our council meeting, we accept -- and I support them to do something near our community.</p> <p>We did have an exploration called Inco camp that was back in ages. They shut down the group camp. They all did -- they were saying that it's positive to get it going, but when you're (INDISCERNIBLE) that one. So they had to shut it down and sell it. Today we still don't know if it's a go-ahead for the new buyers, and ...</p> <p>I kind of overheard that Agnico Eagle wanted to work around padlik [phonetic], what they call padlik, used to be borealis. Council, Whale Cove, supported it. And we heard KIA or NTI did not approve it -- approve it or they wanted more money or something like that. So this is how we're not getting any support, what we want.</p> <p>I know the Agnico Eagle group is trying to get more mineral or whatever in some other community area. But when we travel to a community like Rankin, we're told, I hope you won't support it. It's doing something wrong. But in small communities, we're having -- we're suffering. We have to support business, exploration, mining just to get some kind of a job. Small income at least.</p>

Transcript ID	Speaker	Location (page ref.)	Quote
			...  ...Commercial fishing is one of the smallest thing that is helping the community. It's not much, but it's helping us. Harvesting beluga is helping us a little bit but doesn't last long. But if my council supports something -- like I said, I did not get anything in writing from my council, if we were to support the turbine. But if it would help them more, I know the council would say, Do if you need to. ... We are in support of the proponent for development, but not just one community can -- can make that decision. will end here for now, Madam Chair.
	Chesterfield Inlet	p. 1224	... We go through hard times. Very hard times. What we can do, and the things that -- alcohol and drugs are on the rise. Because they are lonely or depressed, they use -- they turn to those, the young people. Not just in the big communities, but in the small communities too. We have to examine this. We used to request mining companies how they can help us more. We were told in to when we talked to mining companies, Help us. Help us. Our land -- update our landfill. We are still waiting, and we've never seen them again. And the mining companies -- who work for mining companies, they want to leave their jobs because they have abuse in the workplace. This has to be heard. The workers at Agnico Eagle, my fellow Inuit, look into this. Look into the communities. Look into the smaller communities what can you do to help the smaller communities. ... And regarding the wind turbine -- the wind turbines, I don't agree with it. My grandmother once said in in -- she told me -- she used to call me her dear little uncle. She said that the way -- the migration of the caribou has changed greatly. They go -- they used to travel through the north, and they go in another direction now, from the south instead. We see -- we see what the Elders have spoke of. We have to consider these. The Elders, they walked, and they use dog team. They would hunt. If they stop, they build snow houses to spend the night because there were no cabins out there. We have to respect those. The Elders today too. We have to consider -- we have to collaborate and make plans to -- to have a better future.
	Baker Lake	p. 1231	... So when we were up in Meliadine, we were told -- I -- I was going to mention a bit more about that particular area. Those are just the very few things that I recall. I'm very pleased that I was able to be sent here to represent my community. I want to thank the mining company. And welcome to the people from outside of our territory from the two provinces that came long distances. And we are very pleased that we were able to be educated about your culture and the culture of the mining industry. And to whoever spoke here, thank you. I'll stop here for now, Madam Chair.
	Rankin Inlet	p. 1235	And back to our AEM -- Agnico Eagle. Next time, invite the HTO or members from Salluit, the closest community to Raglan mines. We want to hear from them what they think of the turbines in their area, in their region 'cause it's hard to tell if it helps them or it doesn't help them. We need to hear from them too. And hearing from other -- other members bringing up the Elders advisory committee, would be nice to hear from them too, even if they go on local radio after their meetings so we all know what's going on and where we're heading. And listening to people around the table, most are opposing the wind farm. I'm not against it or anything, but I think we need to find a better location that won't affect our caribou. The hamlet's meeting on Monday, so I'll bring that up. But at this time I'm opposing it too 'til we get more information from people in Salluit and if we can find another location that won't affect our caribou.
<b>Volume 8 (Sept. 20, 2023)</b>	NTI	p. 1298	...Caribou and water quality have been the two biggest issues at this hearing. All developments in Nunavut must be safe for caribou and the water that is being used. And many Inuit participants at this hearing confirmed this. Nunavut Tunngavik Incorporated urge the Board to act on the concerns expressed by the Kivalliq Inuit Association, hunters and trappers organizations, and the communities related to caribou and Meliadine Lake water quality.  The wind farm is a great idea in theory, but the proposed location doesn't work. It poses too much risk for the Qamanirjuaq caribou herd, for Inuit harvesting rights, and for their way of life.  Nunavut Tunngavik urge the Board to reject that part of Agnico Eagle's application. The wind farm, should not be approved unless and until a suitable location is found. Nunavut Tunngavik encourage Agnico Eagle to work with Kivalliq Inuit Association and Inuit communities to identify another location for the wind farm that will not put caribou well-being at risk.

Transcript ID	Speaker	Location (page ref.)	Quote
			<p>Starting with the Subblu area, building a wind farm to power Rankin Inlet could be a strong legacy for Agnico Eagle after the mine has been closed. Also, I have just been advised that Agnico Eagle is now seeking a conditional approval for the wind farm subject to agreement on location, with Kivalliq Inuit Association. Agnico Eagle has not shared this proposal with Nunavut Tunngavik, and we have not had time to consider it. If the Board is going to consider this proposal, NTI requests time to consider it and discuss it with Kivalliq Inuit Association before providing NTI's comment to the Board.</p> <p>This hearing also confirms the need to review the existing monitoring and mitigation measures for caribou. This review needs to happen even if the wind farm is not approved at this time. Agnico Eagle should work closely with the terrestrial advisory group on caribou monitoring and mitigation. KIA is proposing new terms and conditions to help structure this work as well as revise their existing Terms and Conditions 44 and 56. Nunavut Tunngavik supports Kivalliq Inuit Association's proposal.</p> <p>Agnico Eagle is proposing a commitment about caribou monitoring and mitigation instead of a new terms and condition. Their proposal is not adequate. And it continues to assert that Agnico Eagle already completed -- completed Commitment 38, which is not the case. It says nothing about seeking consensus with the terrestrial advisory group on how to improve caribou monitoring and mitigations and how to ensure Inuit Qaujimajatuqangit is incorporated. The term and conditions is enforceable under the Nunavut agreement and the Nunavut Planning and Project Assessment Act in ways that a proponent can admit is not.</p> <p>Kivalliq Inuit Association's proposal proposed new terms and conditions reserved for the Board, the power to settle these matters if the terrestrial advisory group cannot reach consensus. Nunavut Tunngavik is committed to working with the terrestrial advisory group to help achieve consensus on how to improve caribou monitoring and mitigations; however, if consensus prove impossible, Agnico Eagle should not be the final and only decision-maker. Caribou monitoring and mitigation is too important. If there isn't consensus, the Board needs to have the authority to step in and decide what the monitoring and mitigation plan will be. Nunavut Tunngavik supports the Athabasca Denesuline joining the terrestrial advisory group.</p> <p>The last major issue that Nunavut Tunngavik raised in this hearing is the discharge of water to the Meliadine Lake. Kivalliq Inuit Association has informed Nunavut Tunngavik that they have reached an agreement with Agnico Eagle on a new commitment on this issue. Nunavut Tunngavik is pleased by this development, and we have no further comments on this issue in this hearing. Thank you very much, Madam Chair.</p>
	KIA	p. 1303	<p>The Kivalliq Inuit Association is confident that we can continue to work with Agnico Eagle so both parties can benefit from the Meliadine project while ensuring Inuit rights, especially harvesting rights, are not negatively impacted.</p> <p>The Kivalliq Inuit Association will continue working with intervenors, who have provided many comments over the past months leading to this hearing, to address the environmental concerns that have been raised throughout this process. ...</p> <p>...As it was put earlier in the meeting, people here are united by caribou. We have to make sure disturbances to their calving and migration are minimized and that the healthy herd can continue to support people from Nunavut to northern Saskatchewan and northern Manitoba. To that end, the Kivalliq Inuit Association continues to oppose the location Agnico Eagle has put forward for the wind farm.</p> <p>...</p>

Transcript ID	Speaker	Location (page ref.)	Quote
			<p>The Kivalliq Inuit Association has tried to work with Agnico Eagle to come to mutually agreeable solutions to resolve outstanding differences on caribou concerns but were unable to reach an agreement. It's difficult to reach an agreement when Agnico Eagle has failed to acknowledge throughout this hearing that the proposed extension will impact the caribou despite hearing a mountain of evidence to the contrary.</p> <p>Agnico Eagle, in their closing remarks, may try to deflect and say terms and conditions that are being proposed by the Kivalliq Inuit Association are redundant and not required and can be satisfied with a commitment. But the Kivalliq Inuit Association's view is this hearing has been dominated -- this hearing has been dominated by the very important topic of caribou, and an issue that is so important and impacts Section 35 treaty rights should not be relegated to a commitment that's not as enforceable as a term and condition that would be contained in an amended project certificate.</p> <p>Yes, current mitigation at the existing project works from an operational level. But the current mitigation must be assessed taking into consideration the proposed 11-year increase in mine life and the recent shifting calving ground closer to the mine site.</p> <p>Based on the concerns of caribou experts around the room, the Kivalliq Inuit Association has proposed terms and conditions for the Meliadine extension which are essential and necessary to ensuring negative impacts to caribou are minimized. In the interest of time, I'm not going to read in the -- the proposed terms and conditions, but I will note that what is being proposed relates to a reassessment of caribou movements around the mine site and project infrastructure due to an incomplete and flawed Commitment 38 analysis to produce a new and distinct calving protection plan to protect the very vulnerable newborn calves and, finally, for Agnico Eagle to undertake a cumulative effects analysis.</p> <p>The proposed terms and conditions, which have now been filed as an exhibit with the Nunavut Impact Review Board, are supported by Nunavut Tunngavik Incorporated, the Sayisi Dene First Nation, the Northlands Denesuline First Nation, the Athabasca Dene Ne Ne Land Corporation, although I -- I note that the Athabasca will be including some additional points for consideration, and finally the Government of Nunavut has confirmed that they support the Kivalliq Inuit Association's proposals that relate to the new proposed Term and Condition 44(a), amendments to Term and Condition 44, and amendments to Term and Condition 54.</p> <p>The Kivalliq Inuit Association echoes Nunavut Tunngavik Incorporated's comments with respect to the importance of terms and conditions on such a matter such as this one.</p> <p>The Kivalliq Inuit Association believes that with continued cooperation between them and Agnico Eagle, these terms and conditions will be helpful in managing caribou and can be discussed also at the terrestrial advisory group.</p> <p>The Meliadine project extension proposal has also raised concerns about the quantity and quality of discharge of water to Meliadine Lake. The Kivalliq Inuit Association and Agnico Eagle have agreed on a commitment to work together to ensure that only the cleanest contact water on-site is discharged to the lake. Tailings runoff and camp sewage will be diverted away from the lake to Itivia Harbour. I understand that a copy of the commitment has been provided to the Nunavut Impact Review Board legal counsel. While the Kivalliq Inuit Association still has concerns over the increase in the total discharge quantity, we will continue to work with Agnico Eagle through the Nunavut Water Board licencing process.</p>

Transcript ID	Speaker	Location (page ref.)	Quote
			<p>The Kivalliq Inuit Association wishes to confirm that they are confident that the parties will work together to ensure that Inuit in the Kivalliq continue to benefit from projects such as the Meliadine extension without compromising the health of either the caribou or Meliadine Lake.</p> <p>In closing, thank you to the Nunavut Impact Review Board and all the intervenors and commenters who have worked so hard throughout this process. I know the impact review board has a very difficult task ahead of you, but the Kivalliq Inuit Association is confident that the Board will be able to weigh all the evidence and provide a recommendation on this extension that works for Inuit. Thank you.</p>
	Government of Nunavut	p. 1312	<p>The Meliadine proposal, if approved, will increase the mine life by years, allowing Nunavummiut to continue to benefit from the employment and training opportunities, local economic development and business opportunities, and community programs associated with the project. The approval of the Meliadine extension proposal would provide the first renewable energy project in the territory and has the potential to diversify the energy sector and reduce Nunavut's reliance on fossil fuels.</p> <p>As we presented at this hearing, the proposal has the potential to prolong any existing impacts and to create new ones on wildlife; specifically, Nunavut wildlife will be exposed to disturbance from a wind farm not yet experienced in the territory. We have heard much about the concerns many have about this proposal, and we have submitted our own. We ask the Board to consider the recommendations that the Government of Nunavut have made. As stated in our presentation, the Government of Nunavut sees the need for changes to certain thresholds and mitigation measures to ensure impacts to wildlife and wildlife habitat are minimized.</p> <p>On the issue of Commitment 38, the Government of Nunavut has stated its concerns that this commitment has not been fulfilled by the proponent. The Government of Nunavut continues to recommend that the study be revised in consultation with the project's terrestrial advisory group.</p> <p>In addition, the Kivalliq Inuit Association has submitted new and revised terms and conditions to be considered by the Nunavut Impact Review Board. The Government of Nunavut offers its support to Term and Condition 44(a), the amendments to Term and Condition 44, and the amendments to Term and Condition 54 as proposed by the Kivalliq Inuit Association as these are aligned with our submissions to the Board. And we continue to seek collaboration among terrestrial advisory group members.</p> <p>The Government of Nunavut also continues to recommend the terms and conditions outlined in our final written submission. We have listened to and recorded the different perspectives we've heard regarding the Meliadine extension proposal and more broadly on the issues of caribou movement, shifting migration routes, and calving grounds. These concerns contribute to the Government of Nunavut's ongoing monitoring of caribou and active projects in Nunavut.</p> <p>In response to sharing data and information, the Government of Nunavut will continue to monitor caribou at a regional scale to ensure that populations remain healthy and stable.</p> <p>The Government of Nunavut will continue to make information available to interested parties in these types of forums for impact assessment and monitoring. We must note, however, that realtime collar locations are not and will not be shared with any party for the purposes of harvesting as this is not the reason GN monitors caribou and practices -- places collars on animals. The Government of Nunavut encourages participation of Inuit and specifically Inuit youth in monitoring initiatives, and we support the engagement of youth in both the regulatory process and in proponent-led management and mitigation initiatives.</p>

Transcript ID	Speaker	Location (page ref.)	Quote
			<p>In addition, we heard the comments on ensuring people are employed at the project and have access to employment and training opportunities to receive benefit from the proposed activities. The Government of Nunavut agrees that benefits of the proposed project must go towards the local people as much as possible, and we continue to support programs and initiatives that can promote this.</p> <p>The issue of climate change demands response by governments and businesses. A wind farm and other sources of renewable energy are desirable, and the Government of Nunavut supports reducing dependence on diesel fuel. Our climate change secretariat provides support for renewable energy upgrades for cabins, advises the Nunavut housing corporation on renewable energy upgrades for homeowners, and the department of economic development supports small businesses through the Kivalliq energy forum.</p> <p>We want clean energy, and we applaud the proponent for bringing forward the proposed wind farm component of the project; however, the reason Government of Nunavut seeks to reduce our carbon footprint and combat climate change is to protect our land, our water, and our animals. One of the last great migratory herds is threatened and is increasingly interacting with infrastructure. The most sensitive seasons are calving and post-calving, and note they are moving closer to the mine site.</p> <p>The Government of Nunavut has listened and heard the passionate words of Inuit and Dene. We will take these concerns back to the rest of the Government of Nunavut, and they will help to inform our continued participation in impact assessments in the territory and our ongoing monitoring of arctic projects.</p> <p>To list some of the concerns we have heard, we heard Kivalliq youth's concerns with lack of indigenous knowledge into assessment and management plans. We heard from Sayisi Dene First Nation and Northlands.</p> <p>The Government of Nunavut is a participant in this process and contributes information to the assessment in relation to our mandate and jurisdiction. We look forward to working with the Board and our fellow intervenors to ensure that if the project were to move forward, it would be in accordance with our mandate, Katujjiluta, and appropriately managed and impacts appropriately mitigated.</p> <p>We look forward to the Board's public hearing report after this public hearing. This assessment is a difficult task for the Board requiring a balanced approach that is reflective of a range of views. I would therefore like to thank the Board for their hard and dedicated work as well as all those who have travelled here to participate in this public hearing....</p>
	CIRNAC	p. 1318	<p>...We are aware, the Government of Canada, that we share more rigidly. Our presentations are technical based on legislation and mandate. But I can assure you that every department here shares a common value, and that is the commitment to the protection of the environment for now and future generations.</p> <p>It has been said during this session that you learn something every day. We definitely learned extra over the last eight days. The importance of caribou cannot be understated. We've heard its importance as a vital food source and an integral part of culture. Caribou's not just a way of life, but caribou is life.</p> <p>The Government of Canada supports and encourages the use of renewable energy as it is critical for the reduction of greenhouse gas emissions; however, this support is not absolute, and it must be weighted against the concerns raised by Inuit and Dene regarding location. The construction of the wind farm needs support from those impacted, and the location needs to incorporate Inuit Qaujimajatuqangit and traditional knowledge.</p>

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			<p>Additionally, we have heard a lot of concerns about water quality. We note that the current water management practices for Meliadine are robust and include monitoring and inspections for compliance to ensure the water is safe. We do echo the Kivalliq Inuit Association and the community members' concerns, and we strongly encourage Agnico Eagle to continue to take measures to reduce or eliminate discharges in the Meliadine Lake.</p> <p>Should the extension proceed, we will continue to work with Agnico Eagle and parties to improve sound water management through the Nunavut Water Board processes. The Government of Canada has participated actively in each phase of this process. And we'd like to thank Agnico Eagle. Your professionalism and responsiveness to work through issues has been much appreciated.</p> <p>During our review, the federal departments identified a series of concerns related to potential project impacts. Most of the Government of Canada's concerns have been addressed in full or through a commitment from Agnico Eagle; however, I will note the Department of Fisheries and Oceans has put forward measures to monitor and minimize impacts in the marine environment. These are related to the protection against aquatic invasive species and the reduction of shipping noise, which remain outstanding. We ask the Board to fully consider including these recommendations within the terms and conditions of the project certificate.</p>
	Kangiqliniq HTO	p. 1321	<p>Time is short. I could say more. But being observer and user of the caribou and the land and environment, we're seeing -- we're seeing so much changes. We support the Kivalliq Inuit Association terms and condition for the reconsideration of the Meliadine expansion extension proposal. We wish to work together on that. We'd like to thank each organization and companies that sit here in this table discussing the very future of the caribou, the animals, the fish, the land, and our youth. We still stand on the fact that the location requested by the Agnico Eagle Mines to locate the wind turbines at the Meliadine site is not feasible, and we oppose it.... We thank the Agnico Eagle Mines for putting in the proposal and making sure they hear from us and our concerns. We encourage them to keep hiring our local people, to keep giving us infrastructure to help our lives and our youth and our Elders in the community. We encourage them to keep our land clean, from disturbing -- minimal disturbance of our land animals and the fish. Yes, they can work to extract the gold and mine and make their money, but keep working with us to learn from our ways and learn from other organizations to keep the land and animals from contamination. Thank you for providing funding for our organizations around the community and the Kivalliq, but at the same time, we encourage them to keep working hard from contaminating our land and animals.</p>
	Northlands Denesuline First Nation	p. 1326	<p>...</p> <p>Northlands Denesuline First Nation and the Sayisi First Nation have identified concerns about the Meliadine extension, including a great deal of uncertainty about potential effects of caribou and their calving and post-calving grounds. Because of that, we cannot support the wind farm in the location that is currently proposed. We also have a number of grave concerns that can be addressed -- that must be addressed by Agnico Eagle. Geoff Bussidor and the Sayisi Dene First Nation will give more detail on the specific outstanding concerns.... So when we do things together going forward, we must take time and look at all options before we decide and make sure we don't leave anybody behind and to work together collectively. I'm pretty sure that we can come up with a mutual understanding and respect going forward here.</p>
	Sayisi Dene First Nation	p. 1331	<p>...Since time immemorial, the Qamanirjuaq herd was and continues to be central to survival, culture, and way of life of our people. The health of the caribou and their habitat are of critical importance to our people and to our ability to exercise our inherent rights throughout our traditional territory. The need to minimize the local, regional, and cumulative impacts resulting from the Meliadine extension proposal and all other developments in the caribou range is key to the future sustainability of the herd.</p>



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			<p>...Through Sayisi Dene First Nations and Northlands Denesuline First Nations' technical review and participation in this reconsideration process, we have identified concerns about the Meliadine extension. Our review has focused on the potential impacts to the Qamanirjuaq herd which may adversely affect our Section 35 rights.</p> <p>At this time, we still have outstanding concerns about the Meliadine extension proposal. In particular, we remain concerned about the high level of uncertainty of potential negative impacts to the caribou within their post-calving and calving range. In our view, Agnico Eagle has not adequately demonstrated that it is able to limit the potential for the significant adverse project effects; therefore, Sayisi Dene First Nation and Northlands Denesuline First Nation do not support the building of the wind farm in the location currently proposed.</p> <p>Northlands Denesuline First Nation and Sayisi Dene First Nation have raised concerns about the recent changes to caribou distribution and increased presence since 2015, concerns about the Discovery road waterline, concerns about the group and distance thresholds and the current caribou mitigation and protection measures, and concerns about the need for further review and refinement of the Commitment 38 study.</p> <p>Enhanced and continued discussion, monitoring, and assessment are critical to fully understanding and minimizing any negative impacts from the Meliadine extension.</p> <p>Sayisi Dene First Nation and Northlands Denesuline First Nation have a number of recommendations to the Nunavut Impact Review Board, including revisions to the project certificate.</p> <p>[Enumerates recommendations]</p> <p>We can confirm our continued commitment to good-faith positive work through this group, and we look forward to continuing this work immediately. However, the terrestrial advisory group is an advisory group and not a decision-making group. It is not the proper avenue to answer important issues, including matters that may potentially have adverse impacts to aboriginal treaty rights and/or environmental or socioeconomic impacts. In our view, these issues should be addressed by the Board and the responsible ministers.</p> <p>And one final comment, in light of the comments and presentation made this week, we would be encouraged if Agnico Eagle was open to reconsidering the location of the wind farm. However, Sayisi Dene First Nation and Northlands Denesuline First Nation note that the wind farm in a new location would require an assessment and a review of the proposal and its impacts in that new location.</p> <p>..</p>
	Athabasca Denesuline Ne Ne	p. 1337	<p>We have heard the observations of the local harvesters who have told us that, yes, the caribou movements have changed, and we have seen that with the collar data as well. What we see as particularly dangerous for the caribou and for the Athabasca Denesuline people is that Agnico Eagle hasn't acknowledged that the caribou calving has moved into the regional study area of the mine and have not acknowledged that calving caribou may be impacted by the mine.</p> <p>If Agnico Eagle will not acknowledge it, how will they adapt to this new reality and ensure proper mitigation and protection? That is why Athabasca Denesuline believe it is essential, if any part of the extension is approved, to have a term and condition that requires a calving</p>

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			<p>caribou protection plan with heightened caribou protection when the distribution of the calving caribou overlap with the regional study area and that this plan be finalized and put in place well before any extension activities begin.</p> <p>...</p> <p>Due to the uncertainty of impacts of the wind turbines, the impacts that we've heard will happen to local harvesters in that location, and the unacceptable risk of impacting calving caribou at the north end of Meliadine Lake, the Athabasca Denesuline do not support the wind turbines in the proposed location.</p> <p>We request that the Board update the Term and Condition Number 132 to add the Athabasca Denesuline as a responsible party on the terrestrial advisory group. Many of the caribou protections, monitoring, and mitigations are determined through this group, and currently there is no representation from the Athabasca region, creating a gap in knowledge exchange and preventing the Athabasca Denesuline from participating in conversations and decisions that will have a profound impact on them.</p> <p>We continue to request that Agnico Eagle organize a meeting of Elders from all potentially impacted communities specifically to acknowledge and discuss the important change in the calving grounds overlapping with the regional study area. We support the Sayisi Dene and Northlands Denesuline First Nations to be included in these discussions as well.</p> <p>We support the terms and conditions put forward by the Kivalliq Inuit Association. These include new Terms and Conditions 44A to address caribou mitigation and protections and new term and condition to address the cumulative impacts. We also support the proposed revision to Term and Condition.</p> <p>We support the revisions to Term and Condition 54 proposed by the Kivalliq Inuit Association to develop a specific calving protection plan. We add, however, that we would like to see stronger wording that ensures that any overlap in distribution of the calving caribou will trigger heightened protection, that the definition of overlap of distribution be determined by the terrestrial advisory group, that this plan be agreed upon by the terrestrial advisory group and implemented before any new extension activities begin.</p> <p>And, finally, we want to note that many of these terms and conditions are linked to participation with the terrestrial advisory group. We support these proposed terms and conditions with the anticipation that the Athabasca Denesuline will become part of this group. We have already been working closely and collaborating with many members of the group.</p>