

NUNAVUT IMPACT REVIEW BOARD

WHALE TAIL PIT EXPANSION PROJECT PROPOSAL

NIRB FILE NUMBER 16MN056

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HEARING

VOLUME 2

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Baker Lake, Nunavut

August 27, 2019

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10

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1 Proceedings taken at Baker Lake Community Hall,  
 2 Baker Lake, Nunavut

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4 August 27, 2019 Morning Session

5

6 NUNAVUT IMPACT REVIEW BOARD

7 K. Kaluraq Chair of Hearing

8 P. Kadlun Vice-Chair

9 G. Alikut Panel Member

10 C. Emrick Panel Member

11 U. Puqignak Panel Member

12

13 NUNAVUT IMPACT REVIEW BOARD STAFF

14 T. Meadows Legal Counsel

15 R. Barry Executive Director

16 T. Arko Director of Technical Services

17 S. Granchinho Manager, Impact Assessment

18 E. Reimer Technical Advisor I

19 L. Atatahak Secretary/Receptionist

20 A. Omilgoitok Environmental Administrator

21 B. Beattie Environmental Technologist

22

23 INTERVENORS

24

25 AGNICO EAGLE MINES LIMITED

26 C. Kowbel Legal Advisor

1	K. Bergner	Legal Advisor
2	J. Quesnel	Regional Manager, Permitting
3		and Regulatory Affairs
4	P. Lapointe	Superintendent Permitting and
5		Regulatory Affairs
6	M. Groleau	General Supervisor, Permitting
7		and Regulatory Affairs
8	M. Turmel	Permitting Lead, Nunavut
9	C. Kennedy	Technical Specialist
10	C. Squires	Senior Coordinator
11	C. Ramcharan	General Supervisor Community
12		Relations
13	R. Allard	General Supervisor Interim
14	S. Leclair	Community Affairs
15		Superintendent
16	L. Chouinard	General Manager Meadowbank
17	M. Beaucage	Nunavut Senior Community
18		Coordinator
19	G. Côté	General Supervisor
20	B. Boucher	Superintendent, Human
21		Resources
22	C. de la Mare	Environmental Specialist
23		(Golder)
24	J. Faithful	Principal, Senior Water
25		Quality Specialist (Golder)
26	C. McNaughton	Environmental Engineer

1		(Golder)
2	C. Stevens	Associate, Aquatic Biologist
3		(Golder)
4	J. Range	Project Coordinator (Golder)
5	A. Amendola	Senior Risk Assessor (Golder)
6	M. O'Kane	Senior Technical Advisor (OKC)
7	M. Setteringington	Senior Terrestrial Biologist
8		(EDI)
9	A. Franke	Principal Investigator (Arctic
10		Raptors Project)
11	G. Sharam	Technical Director (ERM)
12		
13	KIVALLIQ INUIT ASSOCIATION	
14	K. Gilson	Legal Counsel
15	L. Manzo	Director of Lands
16	K. Poole	Wildlife Biologist
17		
18	BAKER LAKE HUNTERS AND TRAPPERS ORGANIZATION	
19	R. Aksawnee	Chairman
20	Dr. W. Bernauer	Consultant
21		
22	GOVERNMENT OF NUNAVUT	
23	E. Stockley	Legal Counsel
24	S. Pinksen	Deputy Minister
25	E. Taylor	Project Manager Socioeconomic
26		Monitoring

1	D. Haney	Project Manager Impact
2		Assessment
3	B. Pirie	Project Manager Research and
4		Monitoring
5	A. Robinson	Acting Director Environmental
6		Protection Division
7	Dr. S. Atkinson	Technical Wildlife Consultant
8		
9	CROWN-INDIGENOUS RELATIONS AND NORTHERN AFFAIRS CANADA	
10	S. Dewar	Director of Resource
11		Management
12	F. Ngwa	Manager of Impact Assessment
13	D. Abernethy	Regional Socioeconomic Analyst
14	S. Qazi	Senior Environmental
15		Assessment Specialist
16	R. Tookoome	Social Policy Officer
17	J. Walsh	Senior Environmental Policy
18		Analyst
19	T. Brown	Senior Technical Advisor for
20		Arcadis
21	S. Gruda-Dolbec	Department of Justice
22		
23	ENVIRONMENT AND CLIMATE CHANGE CANADA	
24	M. Pinto	Senior Environmental
25		Assessment Coordinator
26	B. Asher	Senior Air Quality Analyst

1

2 DEPARTMENT OF FISHERIES AND OCEANS CANADA

3 M. D'Aguiar Senior Biologist

4 M. Janowicz Regional Manager for

5 Regulatory Reviews

6 B. Tracz Biologist

7

8 HEALTH CANADA

9 P. Partridge Regional Environmental

10 Assessment Specialist

11

12

13 NATURAL RESOURCES CANADA

14 P. Unger Senior Environmental

15 Assessment Officer

16 J. Quinn Senior Environmental Advisor

17

18 INTERPRETERS/TRANSLATORS

19 J. Tucktoo Language Translator

20 M. Angoshadluk Language Translator

21

22 C. Longacre, RPR, CSR(A) Official Court Reporter

23 A. Vidal, CSR(A) Official Court Reporter

24

25 (PROCEEDINGS COMMENCED AT 9:00 AM)

26 THE CHAIR: Good morning. (OTHER LANGUAGE

1 SPOKEN)

2 Can someone please bring her a mic? If she can  
3 come up with the mic.

4 Opening Prayer

5 Opening Remarks

6 THE CHAIR: Thank you, Eva.

7 Perhaps you remember my name is -- I'm the new  
8 chair for the Nunavut Impact Review Board. The NIRB  
9 Board -- as the NIRB Board, we want to welcome everyone  
10 on our second day of the hearing of Agnico Eagle's --  
11 NIRB's review of Agnico Eagle's expansion project  
12 proposal. 16MN056 is the project proposal file number.

13 I want you to -- let you -- let the audience know  
14 that there will be interpretation available. And upon  
15 arrival, please write your name at the table by the  
16 door. There is -- the channels is 0, floor; 1,  
17 English; and 2 is Inuktitut. Before we begin, please  
18 be advised to shut off all your cell phones.

19 Welcome to Day 2 of the public hearing. I would  
20 like to notify all participants that these proceedings  
21 are open to the media should they choose to attend. If  
22 there are any members of the media in the room, I would  
23 like -- I would ask that they please take a moment to  
24 introduce themselves now.

25 We have Jordan Kunni from CBC.

26 The Board welcomes the media providing information



1 about this public hearing to those who cannot be in  
2 attendance in person. However, I remind everyone that  
3 the Board members and staff cannot and will not take  
4 questions or provide comments to the media, the parties  
5 or anyone else regarding these proceedings until the  
6 Board makes its determination and issues its written  
7 report and recommendations publicly.

8 Today, we will continue the technical sessions  
9 with the presentations from registered intervenors.  
10 Tomorrow we expect to finish up the technical sessions  
11 and begin the community roundtable during which  
12 community representatives and members of the general  
13 public will have the opportunity to ask questions  
14 directly to the proponent and intervenors.

15 For all speakers, whenever you are speaking,  
16 please speak directly into the microphone and at a  
17 reasonable pace and state your name and your community  
18 or organization before you provide the comment. Please  
19 be respectful of other speakers and do not interrupt.  
20 The Board appreciates everyone's commitment to  
21 establishing a respectful and productive atmosphere at  
22 this hearing.

23 We will begin today by providing an opportunity  
24 for those parties needing to provide deferred responses  
25 to questions posed yesterday that have yet to be  
26 answered.

1           Legal counsel.

2   MS. MEADOWS:                   Thank you, Madam Chair.

3   Teresa Meadows, legal counsel for the Nunavut Impact  
4   Review Board.

5           Madam Chair, we have -- there are some materials  
6   that have been attempted to be filed by Agnico Eagle  
7   yesterday, circulated last night that -- in answer to  
8   the construction and design of the haul road. Those  
9   materials have been printed out and have been  
10   circulated amongst the parties here. The Board and  
11   Agnico Eagle will work together to try and get those  
12   posted on the registry as one response to a deferred  
13   question.

14          There is one more deferred question that we do  
15   have listed, and it was Agnico Eagle -- a question to  
16   Agnico Eagle from the Kivalliq Inuit Association, and  
17   it was: Provide information on convoys that would have  
18   been allowed on the road during the spring migration  
19   this year. And I do not know whether or not Agnico  
20   Eagle is prepared to answer it, but that is the -- the  
21   one deferred question that I still have on the list.

22   THE CHAIR:                   Agnico Eagle, do you have a  
23   response?

24   MS. KOWBEL:                  Madam Chair, just -- just one  
25   moment, please.

26          Thank you, Madam Chair. Yes, we are prepared to

1 answer that deferred question now.

2 Response to Deferred Questions by Agnico Eagle Mines  
3 Limited

4 MS. TURMEL: Manon Turmel, Agnico Eagle.

5 So I have the details here on the convoys that  
6 occurred in the spring migration of 2019. So there are  
7 mainly two types of convoys. The first one is for  
8 crew -- moving crew and food, and the second type is --  
9 and less frequent, is to move spare parts between the  
10 sites, emulsion, to move sewage, so waste management  
11 from Amarug to Meadowbank. So those are the two types  
12 of convoys we've had.

13 In terms of frequency, we've had, I would say,  
14 convoys for three days in a row, then one day without a  
15 convoy, then four days with a convoy, then one day  
16 without a convoy. And as we keep progressing with the  
17 road shutdowns, the need for convoy increases, but  
18 overall, it's less than a convoy per day.

19 And just as -- to complement this, the two sites  
20 are not independent. They work together. So even if  
21 we stockpile and we plan well, as the closure lasts --  
22 extends, there might be an equipment that needs  
23 maintenance, need a part, so that's why there's more  
24 convoy as the extended road closures.

25 And the last question was on the number of  
26 equipment per convoy. So the convoy -- it varies a

1 lot, but it is between three pieces of equipment and 12  
2 that we've had. And so all the equipment are together  
3 very close with the environment department in front  
4 leading the convoy.

5 And the time in the day where the convoy occurs is  
6 selected as per caribou distribution. So we try to  
7 select the best time in -- in the day. So this  
8 addresses -- this was my response to the -- the  
9 question from the Kivalliq Inuit Association.

10 THE CHAIR: Legal counsel.

11 MS. MEADOWS: Thank you, Madam Chair.

12 Teresa Meadows, legal counsel for the Nunavut Impact  
13 Review Board.

14 Madam Chair, those are the deferred questions that  
15 were still outstanding that I had listed, and that  
16 closes the deferred questions for today.

17 THE CHAIR: We will now continue to Agenda  
18 Item 5, technical presentations from registered  
19 intervenors. I will ask that our legal counsel swear  
20 or affirm the next group of presenters and mark the  
21 exhibits so that we can begin with the presentations.

22 We'll start with the Kivalliq Inuit Association.

23 MS. MEADOWS: Thank you, Madam Chair.

24 If I can have the witnesses state and spell their  
25 name for the record, please.

26 MR. MANZO: Thank you, Madam Chair. My

1 name is Luis Manzo, L-U-I-S M-A-N-Z-O, director lands,  
2 Kivalliq Inuit Association.

3 MR. POOLE: Thank you, Madam Chair. My  
4 name is Kim Poole, K-I-M P-O-O-L-E.

5 THE CHAIR: Thank you, Madam Chair.  
6 Teresa Meadows, legal counsel for the Nunavut Impact  
7 Review Board. Do you wish to be sworn or affirmed?

8 MR. MANZO: Affirm.

9 MR. POOLE: Affirmed.

10 LUIS MANZO, KIM POOLE, Affirmed

11 MS. MEADOWS: Thank you, Madam Chair.  
12 Teresa Meadows, legal counsel for the Nunavut Impact  
13 Review Board.

14 Madam Chair, I have a copy of the PowerPoint  
15 presentation that the Kivalliq Inuit Association has  
16 filed with the Board that is being presented in this  
17 hearing, and I propose to mark that as the next exhibit  
18 in the public hearing. And those are all my procedural  
19 matters. Thank you, Madam Chair.

20 EXHIBIT 32 - Hard Copy PowerPoint  
21 Presentation Whale Tail Expansion Project  
22 Proposal KIA-NTI Final Technical Review  
23 (English/Inuktitut)

24 EXHIBIT 33 - Hard Copy Executive Summary of  
25 Technical Review Comments (English)

26 EXHIBIT 34 - Hard Copy Executive Summary of

1           Technical Review Comments (Inuktitut)

2   THE CHAIR:                   Thank you.

3           Kivalliq Inuit Association, you may proceed.

4   Presentation by Kivalliq Inuit Association

5   MR. MANZO:                   Thank you, Madam Chair.   Luis

6   Manzo, Kivalliq Inuit Association.

7           The presentation will have the two components, the  
8   introduction to KIA role and responsibilities, the  
9   issues still outstanding, which is caribou and -- and  
10   some water issues. Kim Poole will -- I will pass the  
11   microphone to Kim Poole during the -- the caribou  
12   presentations just to make sure we -- we address all  
13   our issues. So I will proceed.

14          KIA represent -- thank you. KIA represent Inuit,  
15   administer and monitor certain provisions of the  
16   Nunavut Final Agreement in the Kivalliq region. KIA  
17   mission is to represent Inuit in a fair and democratic  
18   manner in the development, protection, administration,  
19   and advancement of the rights and benefits and to  
20   promote the economic, social, political and cultural  
21   well-being.

22          The aim of Inuit-owned lands management to  
23   administer IOLs so as to promote self-reliances and  
24   cultural and social well-being of Inuit now and into  
25   the future.

26          Inuit-owned lands must be managed in such a way as

1 to sustain and enhance the values of that -- of those  
2 lands.

3 The purpose of the technical review was to ensure  
4 that the potential impacts and benefits was  
5 comprehensively assessed through scientific,  
6 socioeconomic, and impact assessment best practices, to  
7 ensure the IQ values and traditional knowledge were  
8 incorporated into impact determination, mitigation,  
9 project design, and monitoring.

10 Submissions to the Nunavut Impact Review Board. A  
11 technical review of the environmental impact statement  
12 was submitted to Nunavut Impact Review Board in [sic]  
13 May 14, 2019. This review outlined 64 areas that  
14 required clarification in the proposed project  
15 extension [sic].

16 At the technical hearings in June 11 and 13, 2019,  
17 six issues was remaining in which were four -- four  
18 issues related to caribou, two issues related to  
19 mercury concentrations in fish and the alternative  
20 discharge locations, and nine -- nine terrestrial  
21 commitments were provided by the end of the technical  
22 hearings.

23 I will pass now the microphone to Kim Poole for  
24 the caribou slides.

25 MR. POOLE: Kim Poole for the Kivalliq  
26 Inuit Association.

1           The expansion project is proposing a haul truck  
2   every six to eight minutes on the Whale Tail haul road,  
3   and the expansion project is extending this traffic  
4   from the current approved four years to eight years.  
5   This level of traffic is -- is -- is almost  
6   unprecedented in the Canadian Arctic, especially where  
7   it intersects caribou migration. The current evidence,  
8   notwithstanding the movements detected during the 2019  
9   migration, suggests that the project may be causing  
10   some delay and deflection of caribou as they try to  
11   migrate during spring and fall. Recently, in the last  
12   few weeks, there's been a series of informations and  
13   reports that have been released, so the evidence that  
14   would support how the Kivalliq Inuit Association would  
15   be assessing this project is -- is developing quite  
16   rapidly.

17           We have reviewed the additional information and  
18   commitments provided by Agnico Eagle and the Government  
19   of Nunavut about caribou crossing the roads. This  
20   additional information has been extremely helpful, but  
21   there are still some uncertainties about the impacts of  
22   the haul road on caribou.

23           The Kivalliq Inuit Association is concerned that  
24   the monitoring may not be adequate to trigger  
25   mitigation, although we are confident with -- in  
26   discussions with Agnico Eagle that there is -- there



1 are ways that -- that this can be rectified.

2 The physical design of the expanded road will  
3 influence caribou response to haul road traffic.  
4 Agnico Eagle has provided information on crossing  
5 locations and has proposed sections of the road that  
6 will be made more caribou-friendly. A draft of this  
7 report was available -- has been available for the last  
8 two, three weeks, and a revision of this report which  
9 is a fulfilment of Commitment 8A and B from the  
10 technical hearings was released about half an hour ago,  
11 actually. So we have not had the opportunity to review  
12 this, but we will, and we're optimistic that it will  
13 help clarify some of the uncertainty.

14 Cari -- sorry, the Kivalliq Inuit Association  
15 looks forward to seeing an analysis to determine the  
16 effects of the physical aspects of the road on caribou  
17 movement, and this is Commitment Number 13 from the  
18 technical hearings that will be provided to the  
19 terrestrial advisory group for their October meeting.

20 As noted, Agnico Eagle and the Government of  
21 Nunavut have provided additional information addressing  
22 Commitments 8, 12, and 15 from the technical hearings  
23 with information on haul road interactions, the  
24 behaviour of caribou -- collared caribou as they  
25 approach the road, and alternatives for traffic  
26 management, including convoys.

1           We have reviewed the alternatives to traffic  
2 management document, and we suggest that more details  
3 are required. This is in fulfilment of Commitment 12  
4 from the technical hearings. AEM has tentatively  
5 proposed a pilot study for the fall of this year for  
6 haul truck convoys to be used during migration with  
7 monitoring using drones and satellite imagery. These  
8 monitoring techniques, while innovative, are untested,  
9 and the Kivalliq Inuit Association is concerned that  
10 this pilot project go ahead. We are recommending  
11 postponing the pilot study until a study design is  
12 presented and approved by the terrestrial advisory  
13 group and that the monitoring is tested and proven to  
14 be effective.

15           One of the concerns of the Kivalliq Inuit  
16 Association is the additional disturbance to caribou  
17 during the upgrading and widening of the Whale Tail  
18 haul road. Agnico Eagle has stated that they will  
19 comply with the terrestrial ecosystem management plan  
20 with regards to monitoring and mitigation of caribou  
21 approaching during construction activities related to  
22 the haul road.

23           Widening of the haul road must be avoided when  
24 caribou are migrating through the area, and we suggest  
25 that specific mitigation is required to ensure that  
26 road widening construction is halted when the first

1 caribou are approaching to let the lead caribou cross  
2 the road.

3 Agnico Eagle has committed to this in -- has  
4 committed to address this in Commitment Number 14,  
5 which is going to be released to the terrestrial  
6 advisory group in the second quarter of 2020.

7 The expansion project will increase the duration  
8 of effects on caribou from four to eight years, and it  
9 is highly likely that more work and more exploration in  
10 the Amaruq area will -- will result in more expansion  
11 and -- and an extended life, so our main concern is  
12 that we get this road construction and monitoring right  
13 now so that it's in place for the future.

14 When the Kivalliq Inuit Association presented  
15 their written submissions in July, we did not propose  
16 any terms and conditions because we were waiting on  
17 three or four reports that were going to be made  
18 available from Agnico Eagle and the Government of  
19 Nunavut. And the Kivalliq Inuit Association  
20 acknowledges the efforts of both Agnico Eagle and  
21 Government of Nunavut for -- for providing these four  
22 commitments since the technical sessions in June.  
23 While the information has been extremely useful and  
24 has -- and perhaps we have not fully digested it. We  
25 have provided some comments on the remaining issues in  
26 reviewing the commitments.

1           The Kivalliq Inuit Association concludes that  
2   there is still some uncertainty remaining about the  
3   impacts of the expanded road on -- on caribou. These  
4   are related especially to the observations of  
5   monitoring at the road level, and we also have -- at  
6   both -- on both the all-weather access road and the  
7   haul road. We strongly suggest that better monitoring  
8   of short and medium distances from the project and  
9   greater frequencies of surveys are required. And in  
10   discussions with Agnico Eagle this morning, we seem to  
11   be on the same page in our -- in our discussions, and  
12   we would be looking for some sort of a commitment from  
13   Agnico to pursue this further.

14           We also suggest that either a commitment or a term  
15   and condition is necessary to ensure that there is  
16   adequate adaptive management of the expanded haul road.  
17   The Kivalliq Inuit Association thinks that there is  
18   need for further collaboration among parties to  
19   integrate the timing and locations of caribou crossings  
20   relative to traffic frequency and road closures and to  
21   better integrate these different types of monitoring  
22   into mitigation.

23           We suggest that Agnico Eagle should work through  
24   the terrestrial advisory group to update the  
25   terrestrial ecosystem management plan to integrate this  
26   information from all of the recent commitments. The

1 revised terrestrial ecosystem management plan should be  
2 submitted then to -- to the Nunavut -- Nunavut Impact  
3 Review Board within six months of issuance of a project  
4 certificate.

5 Thank you.

6 MR. MANZO: Aquatic and water issues.  
7 Aquatic environment, mercury -- mercury concentrations  
8 in fish. The proponent has committed to revisit the  
9 predictions for mercury concentrations in the project  
10 area and update these predictions as needed to account  
11 for the additional time that Whale Tail Lake would  
12 be -- Whale Tail Lake will be flooded due to the Whale  
13 Tail expansion.

14 Agnico Eagle has presented a document in -- in  
15 August 20, 2019, as a part of that commitment at the  
16 technical hearings. We are in the review of those, and  
17 the specifics of that document we can deal during the  
18 water licence.

19 Aquatic environment alternative discharge  
20 location. The Kivalliq Inuit Association has  
21 recommended that the proponent commit to collect at  
22 least two years of data both under ice and in  
23 open-water season in the water bodies with the  
24 discharge -- with the discharge locations. The  
25 proponent has committed to sampling the alternative  
26 discharge locations following the Kivalliq Inuit

1 Association's recommendations.

2 This issue may be resolved. The samplings was  
3 carried on in 2019. Those samples are, today, in lab  
4 analysis, and we believe that we can resolve this issue  
5 during the water licence.

6 Aquatic environment updated river baseline data.  
7 AEM has committed to collecting additional water  
8 quality and quantity samples for the stream sites in  
9 the project area, Mammoth Lake, Whale Tail, and Nemo  
10 Lake. AEM has further committed to provide the  
11 Kivalliq Inuit Association with the proposed 2020 field  
12 program for aquatic environment data collection for --  
13 for the Kivalliq Inuit Association to review and  
14 approve on September 2, 2019.

15 The field program has yet to be provided, but this  
16 issue we believe is resolved after the 2019 sampling  
17 season.

18 Water quality modelling accuracy and sensitivity.  
19 The proponent has committed to update the water quality  
20 model refining predictions concentrations and  
21 phosphorus, arsenics, and other parameters of concerns  
22 in the receiving environment. The proponent further  
23 committed to update the water quality model to include  
24 cryoconcentrations.

25 The refined water quality model has been provided  
26 as part of the water licence application and will be

1 review as part of the licence process. However, the  
2 water quality model has not yet been updated to include  
3 cryoconcentrations. We request AME provide the updated  
4 water quality model by August 30 such that it can be  
5 reviewed during the water licence technical review  
6 period.

7 Socioeconomic impacts. The Kivalliq Inuit  
8 Association has reviewed the Government of Nunavut --  
9 GN comments and support their concerns regarding the  
10 socioeconomic impacts in proposed project.

11 Inuit Impact and Benefit Agreement, IIBA.  
12 Kivalliq Inuit Association has an IIBA with the  
13 proponent, Agnico Eagle, for the Whale Tail project.  
14 The proposed expansion has been found by the Nunavut  
15 Impact Review Board to include circumstances relating  
16 to the proposed project that are significantly  
17 different from those anticipated when the original  
18 project certificate was issued. Therefore, a material  
19 change will occur and a review of the Inuit Impact and  
20 Benefit Agreement, IIBA, will be triggered if the  
21 extension application is granted.

22 Matna.

23 THE CHAIR: Moving on to questions to the  
24 Kivalliq Inuit Association.

25 Baker Lake Hunters and Trappers Organization.

26 Baker Lake Hunters and Trappers Organization Questions

1 Kivalliq Inuit Association

2 MR. AKSAWNEE: Thank you, Madam Chair.

3 Richard Aksawnee, Baker Lake Hunters and Trappers  
4 Organization, and I want to thank KIA for their  
5 presentation.

6 I have a question, and I would like to -- I would  
7 ask: Is there a reason why CLARC committee was not  
8 involved in KIA's assessment of this project? The  
9 effects of -- on wildlife most affects hunters of Baker  
10 Lake, and through community involvement of our regional  
11 organization's assessment, we -- we have would -- like  
12 to ensure that we, the community that is most impacted,  
13 are appropriately compensated. Thank you, Madam Chair.

14 THE CHAIR: Kivalliq Inuit Association.

15 MR. MANZO: Thank you, Madam Chair. Luis  
16 Manzo, Kivalliq Inuit Association.

17 We do include the CLARCs in -- in the project. We  
18 do make the presentations. And -- and also we engage a  
19 big committee, traditional knowledge and also aquatic  
20 knowledge, in a big monitoring program in which these  
21 projects are located.

22 And to do with your second portion of the question  
23 which is the compensation, I would like to defer that  
24 question for -- for later to consult, Madam Chair.  
25 Thank you.

26 THE CHAIR: Baker Lake Hunters and



1 Trappers Organization.

2 MR. AKSAWNEE: Thank you, Madam Chair. And  
3 thank you, Luis, for that response.

4 Yeah. We've had this Meadowbank mine in operation  
5 about ten years now, and we've been negatively impacted  
6 on our caribou. We -- as the Baker Lake Hunters and  
7 Trappers Organization, we've been seeking support on  
8 the regional -- at the regional level. As -- as how  
9 you guys know, the Hunters and Trappers Organizations  
10 and the whole territories, staffing is a really big  
11 issue. So I wanted to raise that concern, that during  
12 the permitting stages of the expansion, I -- I just  
13 wanted to say that the CLARC committee is more  
14 involved. Thank you.

15 THE CHAIR: Kivalliq Inuit Association.

16 MR. MANZO: Thank you, Madam Chair.

17 And, yes, the CLARC will be more involved in the  
18 whole entire monitoring program. We're looking for  
19 funds because, as you know, also KIA doesn't have the  
20 funds. We design in the last 12 years a complete -- a  
21 cumulative effect assessment program in which we have a  
22 scientific committee and also traditional knowledge  
23 committee.

24 And when you talk about IQ and traditional  
25 knowledge, it's not just one thing. There's many  
26 things in there. We are bound [sic], and we assess.

1 We also table scientific papers. The -- the scientific  
2 committee -- or technical committee recommend to the --  
3 to the secretariat. And these were the whole -- not  
4 just the CLARCs, but the community the CLARCs appoint  
5 for traditional knowledge in the specific locations  
6 will be involved in that consultation.

7 And if you -- if I can respond to the deferred  
8 question. The IIBA encompasses seven communities when  
9 we negotiate the IIBA, and I'm very sure you have  
10 access to that IIBA. And -- and those have been  
11 distributed to the seven communities. It encompasses  
12 all the impacts. But if you -- if you have any other  
13 concerns that you may want or a benefit that you may  
14 have, please write to the executive director of KIA as  
15 soon as possible. I will recommend that to the HTO  
16 because that review of this project haven't been  
17 established yet.

18 THE CHAIR: Baker Lake Hunters and  
19 Trappers Organization.

20 MR. AKSAWNEE: I have no further questions.  
21 Thank you.

22 THE CHAIR: Government of Nunavut.

23 MR. PINKSEN: Thank you, Madam Chair. Steve  
24 Pinksen, Government of Nunavut. We have no questions  
25 for the Kivalliq Inuit Association.

26 THE CHAIR: CIRNAC.

1 MR. DEWAR: Matna, Madam Chair. Spencer  
2 Dewar, Crown-Indigenous Relations and Northern Affairs  
3 Canada. No questions.

4 THE CHAIR: Environment Canada.

5 MS. PINTO: Thank you, Madam Chair.  
6 Melissa Pinto, Environment and Climate Change Canada.  
7 We have no questions at this time.

8 THE CHAIR: Fisheries and Oceans Canada.

9 MR. D'AGUIAR: Thank you, Madam Chair. Mark  
10 D'Aguiar with Fisheries and Oceans Canada. Thank you  
11 for your presentation. We have no questions.

12 THE CHAIR: Health Canada.

13 MR. PARTRIDGE: Thank you, Madam Chair. Paul  
14 Partridge with Health Canada. We have no questions at  
15 this time.

16 THE CHAIR: NRCan.

17 MR. UNGER: Peter Unger, Natural  
18 Resources. Thank you, Madam Chair. No questions.

19 THE CHAIR: Agnico Eagle.

20 Agnico Eagle Mines Limited Questions Kivalliq Inuit  
21 Association

22 MR. QUESNEL: Thank you, Madam Chair. Jamie  
23 Quesnel, Agnico Eagle.

24 Just a few clarifications and some comments  
25 related to the request for a commitment for additional  
26 monitoring related primarily to monitoring from the

1 road as -- as we discussed. We can commit to working  
2 with the Kivalliq Inuit Association to improve that  
3 aspect of the monitoring along the road.

4 Just dealing with the -- as Kivalliq Inuit  
5 Association alluded to, a pilot program for the fall  
6 migration related to other technologies such as drone  
7 and satellite imagery, I just want to provide a little  
8 bit more clarification that the work plan is being  
9 finalized, and, as we discussed within the terrestrial  
10 advisory group, that work plan will be circulated to  
11 the members of the terrestrial advisory group to review  
12 it and hopefully approve the -- the work plan.

13 And what we're trying to do is just add a few  
14 additional tools in the toolbox to support the caribou  
15 collaring program. Albeit, the technologies have to be  
16 approved. What we're trying to establish this fall  
17 with that pilot program is to have proof of concept  
18 with those technologies. Then hopefully take the  
19 learnings from that pilot program, incorporate that  
20 into the spring migration to support the -- the  
21 collaring program, the monitoring in the field with  
22 operations. So that's what we're trying to establish,  
23 just at a high level. But, like always, we will  
24 provide that -- that information to the TAG and work  
25 through that.

26 Dealing with the paper -- the revised paper, we

1     tried to get it out last night, just some challenges  
2     with internet and timing of that, but it's a revised  
3     paper, and we're willing to listen further with any  
4     additional changes. And also we would advise that  
5     hopefully the members of the TAG would commit to a  
6     meeting in the field to review the information that we  
7     provided to finalize the -- the options and the -- the  
8     type of construction that could occur in the field. So  
9     hopefully the members of the TAG could commit to a  
10    field visit, and then we can finalize things. Thank  
11    you.

12   THE CHAIR:                   Kivalliq Inuit Organization  
13   [sic].

14   MR. POOLE:                   Kim Poole with the Kivalliq  
15   Inuit Association.

16           Yes, we would be pleased to be in the field,  
17   depending upon timing, to look over how the road can be  
18   modified to make it more caribou-friendly. I'm sure  
19   other members of the TAG would be equally appreciative  
20   of that.

21   THE CHAIR:                   Agnico Eagle.

22   MR. QUESNEL:                 Thank you, Madam Chair. Jamie  
23   Quesnel, Agnico Eagle.

24           Thank you for that, and we'll circulate the  
25   proposed times, and then we'll take it from there.  
26   Thank you.

1 THE CHAIR: Any more questions from Agnico  
2 Eagle?

3 NIRB staff.

4 Nunavut Impact Review Board Staff Questions Kivalliq  
5 Inuit Association

6 MR. BARRY: Thank you, Madam Chair. Ryan  
7 Barry, Nunavut Impact Review Board staff. We do have  
8 just a couple of questions for the Kivalliq Inuit  
9 Association.

10 The first, Kim, the Kivalliq Inuit Association  
11 describe how they work to address the potential adverse  
12 socioeconomic impacts of mining on Inuit and maximize  
13 benefits such as training employment, and specifically  
14 here we're wondering if you can identify or describe  
15 any particular successes or significant areas of  
16 improvement resulting from your experience to date with  
17 negotiating and administering several Inuit Impact and  
18 Benefit Agreements with Agnico Eagle.

19 THE CHAIR: Kivalliq Inuit Association.

20 MS. GILSON: Thank you. Good morning,  
21 Kimberley Gilson for the Kivalliq Inuit Association.

22 As you know, the arrangements with respect to  
23 impacts and benefits are guided by the Inuit impact  
24 agreements that are negotiated between the proponent  
25 and the Kivalliq Inuit Association. Because there are  
26 several projects in the region, Meadowbank, Meliadine,

1 Whale Tail, we have three Inuit Impact Benefit  
2 Agreements, and over the course of the years, we have  
3 learned that, of course, impacts and benefits are  
4 similar from -- for all of the projects.

5 So the first thing that we had realized was that  
6 it would be necessary to have them as aligned as  
7 possible, so comments with respect to one IIBA are  
8 generally applicable to all of the IIBAs.

9 What we did learn was that we needed better  
10 monitoring and participation by both Kivalliq Inuit  
11 Association and Agnico Eagle Mines, and, therefore, we  
12 set up various committees that I believe Ms. Squires  
13 referred to yesterday, which are the employment and  
14 culture committee and the business opportunities  
15 committee, as well as an implementation committee.

16 The first two committees I referred to are more  
17 on-the-ground working committees that review all  
18 aspects of the implementation of the impact benefit  
19 agreement. So we learned that we needed more  
20 on-the-ground monitoring through these committees.

21 As well, we have an on-site working committee in  
22 each of the -- with respect to each of -- of the  
23 projects. And, again, the idea there is to have  
24 on-site representation to ensure that Inuit are able to  
25 express and convey concerns that they may have and that  
26 those concerns are addressed, that they have access to

1     somebody who is designated on behalf of the Kivalliq  
2     Inuit Association and that counterpart in Agnico Eagle  
3     Mines to move the issue forward. So we've learned a  
4     lot of lessons along the way about how to translate a  
5     document which is fairly complex into some real  
6     benefits.

7             We continue to push AEM -- Agnico Eagle Mines on  
8     things like ensuring that the ways in which Inuit are  
9     trained are effective, are adaptable to ensuring that  
10    the training is -- is suitable, that people are put  
11    through a process that allows them to access the jobs.  
12    The process for having them going through work  
13    readiness continues to evolve as we learn where  
14    barriers might be to Inuit employment, either gaining  
15    employment or retaining employment.

16            So it's -- it's a big question that you've asked,  
17    and I can -- I've just sort of summarized some of the  
18    big-picture amendments that we've made to the impact  
19    benefit agreements. Of course, there's a lot of work  
20    that's done along the way to ensure that we all learn.

21            The implementation committee itself is -- I'll  
22    call it an "overarching committee" that tries to  
23    identify either issues that don't get resolved because  
24    there's a difference of view at the business  
25    opportunities committee or the employment and culture  
26    committee, as well as tasked with looking at the



1 overall picture so that we can see trends and repeated  
2 concerns and address those concerns.

3 And the final comment is that -- that the  
4 implementation committee along with all of the other  
5 committees and individuals who are working on  
6 implementation are currently in a process of -- I'll  
7 call it "renewing" the ways in which things are done so  
8 that we can further improve to achieve the benefits  
9 that we are hoping to get from the impact benefit  
10 agreement. Thank you, Madam Chair.

11 THE CHAIR: NIRB staff.

12 MR. BARRY: Thank you, Madam Chair. And  
13 thank you very much for that response. That is what we  
14 were hoping to get at.

15 A follow-up to that -- and this is, I think, what  
16 I alluded to yesterday in terms of understanding the  
17 opportunities to learn from mining projects in other  
18 regions. Can you comment on whether any coordination  
19 occurs between the Kivalliq Inuit Association and the  
20 other regional Inuit associations regarding the  
21 negotiation and administration of benefit agreements  
22 and regulation of mining projects on Inuit-owned lands?  
23 And here specifically we're wondering if you can  
24 describe any efforts to ensure that there is  
25 information exchange and learning which is occurring  
26 between the regions regarding both successful or

1   problematic approaches to mining developments on  
2   Inuit-owned lands.

3   THE CHAIR:                           Kivalliq Inuit Association.

4   MS. GILSON:                        Thank you, Madam Chair.  
5   Kimberley Gilson, Kivalliq Inuit Association.

6           There are efforts being made to coordinate  
7   information between the Inuit associations. Nunavut  
8   Tunngavik Incorporated has coordinated meetings in the  
9   past, not very many; I will acknowledge that. That is  
10   an ongoing process.

11          We have differences of view between the Inuit  
12   associations and the mining companies as to  
13   confidentiality. And so we have not a full and open  
14   dialogue. However, having said that, the issues  
15   pertaining to employment, training, contracting, and  
16   those kinds of matters are more easily shared.

17          For the purposes, I think, of your question, we  
18   don't necessarily need to share financial information  
19   in order to achieve some coordination amongst the  
20   regions. So we are making efforts under the impact  
21   benefit agreements. The Kivalliq Inuit Association has  
22   posted its Inuit Impact Benefit Agreements online. We  
23   are hopeful and encouraging other Inuit associations to  
24   do the same. There is a difference of approach in --  
25   in the other regions, but a lot of similarities. So  
26   we're learning. We are working on coordination. The

1 Kivalliq Inuit Association sees that as a beneficial  
2 approach. We would like to see more cooperation and  
3 coordination, but there are, necessarily, barriers  
4 simply because the regions do things differently, and  
5 the proponents do things differently. So impact  
6 benefit agreements are not, perhaps, as cookie cutter  
7 as you might want to see them in order to have a more  
8 coordinated or consistent approach. Thank you.

9 THE CHAIR: NIRB staff.

10 MR. BARRY: Thank you, Madam Chair. Ryan  
11 Barry, Nunavut Impact Review Board staff.

12 Thank you very much for those responses, Kim. We  
13 have no further questions.

14 Nunavut Impact Review Board Questions Kivalliq Inuit  
15 Association

16 THE CHAIR: NIRB Board.

17 Guy.

18 MR. ALIKUT: Thank you, Madam Chair. Guy  
19 Alikut, NIRB Board member.

20 Kivalliq Inuit Association, I -- I have a question  
21 to them. The Inuit of Kivalliq region -- you are the  
22 voice, and you are representing the Inuit. What types  
23 of -- in what ways are you communicating and informing  
24 the communities? We do have local radio stations in  
25 each of the communities. Which form of communication  
26 tool are you using? And we hear from individuals who

1 work at the mine site, and that's the only way we kind  
2 of hear what's going on at the mine. So what type of  
3 tool are you using? What type of communication  
4 equipment are you using to inform the communities about  
5 the progress of the mine or how you associate with  
6 the -- the mining company? We'd like to get an answer.  
7 Thank you.

8 THE CHAIR: Kivalliq Inuit Association.

9 MR. MANZO: Thank you, Madam Chair. Luis  
10 Manzo, Kivalliq Inuit Association.

11 We have different ways to notify the communities.  
12 One of the means is the newsletters of KIA, the  
13 website. We also use online applications to notify,  
14 but more importantly, every year in the technical  
15 component of the aspects of water, fish, terrestrial,  
16 we come and do a radio show jointly with the federal  
17 government, Nunavut Water Board, and the secretary of  
18 our monitoring, NGMP, Nunavut general monitoring  
19 program secretariat.

20 That's been very successful in informing basics or  
21 the importance of monitoring in -- in -- in fish  
22 habitat and water quantity and quality of --  
23 quantity -- quality, quantity, and flow of the year.  
24 We would take samples -- we take samples twice a year.  
25 We cover four watersheds, and we've been doing that --  
26 it -- it started 2004, a formal program, but we really

1 started in 2002. So the historical data that we  
2 collect in -- in -- in centre Baker Lake is -- is -- we  
3 will be in contact with them. We have a committee --  
4 traditional knowledge committee that when we have an  
5 issue we consult them in terms of how we need to  
6 approach that.

7 That same program that we call it -- it's called  
8 the "Inuu Tuti program" -- has been the tool or the  
9 venue to inform directly not just the community here in  
10 open houses, radio shows, but, more importantly, in  
11 collecting the data that you require to collect your  
12 baseline for inform our decisions. And that's how  
13 everything started. And we've been -- we've been doing  
14 that since 2004.

15 I would let the legal counsel talk about the  
16 communities' meetings that we do in the IIBA component.

17 MS. GILSON: Thank you. Kimberley Gilson,  
18 Kivalliq Inuit Association.

19 With respect to the Inuit Impact and Benefit  
20 Agreement, there is a lot of reporting that is required  
21 by Agnico Eagle, and Kivalliq Inuit Association both  
22 monitors and participates in the monitoring and the  
23 reporting. And those reporting requirements include  
24 reporting to the community and having a relationship  
25 that ensures that the community is not only able to  
26 hear what is going on from Agnico Eagle, but to

1 participate in the discussions and provide feedback.  
2 So we -- we participate with Agnico Eagle Mines in  
3 those sessions to ensure that there's a two-way  
4 communication.

5 I'll also mention that prior to the negotiation of  
6 the Whale Tail Inuit Impact Benefit Agreement, we were  
7 here in the community in an open meeting to gain  
8 insight and information from community members as to  
9 what issues they saw of concern, and we worked with the  
10 community to reflect those concerns in the updated  
11 Inuit Impact Benefit Agreement that we negotiated.  
12 Thank you.

13 THE CHAIR: Seeing that there are no more  
14 questions from the Board, let's take a 15-minute break,  
15 and then we'll move on to the Baker Lake Hunters and  
16 Trappers Organization.

17 (ADJOURNMENT)

18 THE CHAIR: We shall reconvene.

19 Legal counsel.

20 MS. MEADOWS: Thank you, Madam Chair.

21 Teresa Meadows, Nunavut Impact Review Board.

22 If I can have the witnesses state and spell their  
23 name for the record, please.

24 MR. AKSAWNEE: Richard Aksawnee,

25 R-I-C-H-A-R-D A-K-S-A-W-N-E-E.

26 MR. BERNAUER: Warren Bernauer. W-A-R-R-E-N

1 B-E-R-N-A-U-E-R.

2 MS. MEADOWS: Thank you, Madam Chair.

3 Teresa Meadows, legal counsel for the Nunavut Impact  
4 Review Board.

5 Did the witnesses wish to be sworn or affirmed?

6 MR. AKSAWNEE: Affirmed.

7 MR. BERNAUER: Warren Bernauer.

8 Affirmed.

9 RICHARD AKSAWNEE, WARREN BERNAUER, Affirmed

10 MS. MEADOWS: Teresa Meadows, legal counsel  
11 for the Nunavut Impact Review Board. Madam Chair, I have  
12 two exhibits to file in association with this  
13 presentation, being the presentation materials in  
14 English and Inuktitut, and I propose to file those as  
15 the two next exhibits in this public hearing, and those  
16 are my procedural matters.

17 EXHIBIT 35 - Hard Copy PowerPoint  
18 presentation by the Baker Lake Hunters and  
19 Trappers Organization (English)

20 EXHIBIT 36 - Hard Copy PowerPoint  
21 presentation by the Baker Lake Hunters and  
22 Trappers Organization (Inuktitut)

23 THE CHAIR: Thank you. You can begin your  
24 presentation.

25 Presentation by the Baker Lake Hunters and Trappers  
26 Organization

1 MR. AKSAWNEE: Thank you, Madam Chair.

2 Richard Aksawnee, Baker Lake Hunters and Trappers  
3 Organization.

4 Good morning. The Baker Lake Hunters and Trappers  
5 Organization is an organization created by the Nunavut  
6 Agreement. Under our land claim, the Hunters and  
7 Trappers Organization is given the responsibility to  
8 manage hunting and represent hunters' rights in our  
9 community. We have participated in several Nunavut  
10 Impact Review Board reviews and appreciate the  
11 opportunity to present to you today.

12 Participation in Whale Tail project or Amaruk  
13 project. The Hunters and Trappers Organization has  
14 participated in the Amaruk project in several ways. We  
15 were an intervener in the original review of the Whale  
16 Tail Amaruk project. We are a member of Agnico Eagle's  
17 terrestrial advisory group. The Hunters and Trappers  
18 Organization employs a wildlife monitor funded by  
19 Agnico Eagle to monitor wildlife on the haul road  
20 between the Amaruk project and Meadowbank site.

21 We also meet regularly with Agnico Eagle staff to  
22 discuss their operations. The Hunters and Trappers  
23 Organization has participated in this review of the  
24 proposed Whale Tail expansion in several ways.

25 In April, we held a workshop with hunters and  
26 Elders who have expertise with that project area.



1 Based on this workshop and other information the board  
2 received, the Hunters and Trappers Organization  
3 submitted technical comments in May, attended technical  
4 meetings in June, and submitted final written comments  
5 in July.

6 The Baker Lake Hunters and Trappers Organization  
7 supports Agnico Eagle's plans to extend the life of the  
8 Whale Tail mine. Most of the people we spoke to,  
9 including our hunters and Elders, supported the mine  
10 because of employment opportunities. The relationship  
11 between Agnico Eagle and the hunters and trappers has  
12 also improved significantly over the past few years.  
13 Communication between our office is very good, and we  
14 appreciate all of the hard work that went into making  
15 this happen.

16 That said, we still have several outstanding  
17 concerns with the Whale Tail project's impact on  
18 caribou. At this point, there are still a lot of  
19 unknowns. We cannot say for sure that this project  
20 won't have a significant impact on caribou. Right now,  
21 there is simply too much uncertainty. Our consultant,  
22 Warren Bernauer, is going to discuss some of our  
23 outstanding concerns.

24 MR. BERNAUER: Thank you. Warn Bernauer for  
25 the Baker Lake Hunters and Trappers Organization.

26 The first outstanding concern is the ongoing

1 effects of the Meadowbank project on caribou. Baker  
2 Lake hunters have repeatedly told the Hunters and  
3 Trappers Organization that caribou migrations are  
4 delayed and diverted because of the mine, access road,  
5 and haul road.

6 The Government of Nunavut has also shared a  
7 technical report and animations with the terrestrial  
8 advisory group that shows that the road is causing  
9 migrations to be delayed and diverted. It is our  
10 understanding that the Government of Nunavut will be  
11 presenting this material later today.

12 In its final written submission, the Hunters and  
13 Trappers Organization argue that these documented  
14 impacts on caribou mean that we should be implementing  
15 stricter caribou protection measures. In Agnico's  
16 response, they argued that these changes to caribou  
17 migration would not have a significant effect on the  
18 caribou population, so further mitigation is  
19 unnecessary.

20 I think the response gets to the heart of a major  
21 conflict in a lot of these impact assessments. There's  
22 a tendency for biologists to focus entirely on  
23 population-level dynamics and changes at the population  
24 level. However, local hunters are obviously concerned  
25 with smaller changes to caribou migrations and  
26 distribution because these can affect hunter access to

1 caribou and affect just hunting productivity. As a  
2 result, the Hunters and Trappers Organization continues  
3 to recommend stricter caribou mitigation measures for  
4 the Whale Tail project.

5 The second outstanding concern deals with  
6 construction during migratory seasons. Please note  
7 there's a typo on our PowerPoint presentation. It  
8 should read "fall and spring migrations", not just  
9 "fall migrations".

10 So the Hunters and Trappers Organization is  
11 concerned that Agnico has not clearly committed to  
12 schedule road widening and construction outside of the  
13 sensitive migratory seasons. This concern was  
14 originally raised by the Kivalliq Inuit Association in  
15 its technical comments. In response, Agnico Eagle said  
16 it would consider scheduling construction outside of  
17 the sensitive migratory seasons and that it would  
18 provide more information to us on this matter sometime  
19 next year.

20 Now, while it's encouraging that Agnico Eagle is  
21 committed into looking into this and doing further  
22 studies, the lack of a clear commitment and clear  
23 information on this issue is a source of concern  
24 because it does continue to create uncertainty.  
25 Without clear information about construction timelines,  
26 it -- it makes the impacts on caribou more uncertain

1     than they otherwise would be.

2             The third concern is increased traffic during road  
3     closures. In a technical brief sent to members of the  
4     terrestrial advisory group, Agnico Eagle outlined plans  
5     to stockpile or -- and use convoys to ensure that  
6     caribou migrations do not interrupt mine operations.  
7     The Hunters and Trappers Organization is concerned that  
8     some aspects of these plans would substantially weaken  
9     the caribou protection measures contained in the  
10    terrestrial ecosystem management plan.

11            The biggest source of concern is Agnico's proposed  
12    pilot project to haul or end convoys during road  
13    closures. Under the current terrestrial ecosystemic  
14    management plan, a road closure means only essential  
15    vehicles, which it very clearly states means no  
16    vehicles related to mining or hauling of ore. So  
17    there's some concern that this is opening the door to  
18    really weaken the caribou protection measures around  
19    this project.

20            So the Hunters and Trappers Organization raised  
21    this concern in our written comments. In response,  
22    Agnico Eagle suggested that this issue should be  
23    discussed during terrestrial advisory group meetings  
24    rather than these proceedings here. Ultimately, the  
25    fact that Agnico Eagle is proposing to alter these  
26    caribou protections adds further uncertainty to the

1 project's impact on caribou, if there's plans to start  
2 hauling ore when the road should technically be closed.

3 Our next outstanding concern has to do with  
4 wildlife harvesting on the Meadowbank access road. In  
5 April, the Baker Lake Hunters and Trappers Organization  
6 held a workshop with hunters and Elders that have  
7 expertise with the project area. Many of the Elders  
8 who attended were concerned that some younger hunters  
9 are not following traditional Inuit hunting rules and  
10 values. For example, there's a traditional rule that  
11 Inuit do not hunt the first group of caribou that  
12 migrate through the area. They let the leaders pass to  
13 ensure that the migration routes will not be altered.

14 But today, some hunters are ignoring rules like  
15 this. The Elders were concerned that this was playing  
16 a major role in changing caribou migrations near Baker  
17 Lake. Managing hunting is the Hunters and Trappers  
18 Organization's responsibility under the Nunavut  
19 Agreement. However, we believe that Agnico Eagle bears  
20 some responsibility on this matter. If Agnico Eagle  
21 had not built a long road, we wouldn't be faced with  
22 this problem today. The increased harvester access as  
23 a result of this road is ultimately what's creating  
24 this problem. At present, the Hunters and Trappers  
25 Organization does not have the capacity to manage  
26 hunting on the Meadowbank access road.

1           In our written submission, the hunters and  
2   trappers indicated that it would like to do more to  
3   promote responsible hunting on the Meadowbank access  
4   road. The HTO would like to ensure that the lead group  
5   of caribou is allowed to pass and that other  
6   traditional rules are upheld. However, it would  
7   require significant resources to do so, including  
8   funding for additional staff, Elders' workshops, and  
9   research to make a program like this a success.

10           In response to our comments, Agnico Eagle  
11   suggested that this issue should be discussed further  
12   in the terrestrial advisory group. While this is  
13   helpful and promising, the fact that we have no  
14   committed resources to manage harvesting moving forward  
15   adds another layer of uncertainty to the impacts that  
16   this project might have on caribou.

17           Our next outstanding concern is the Hunters and  
18   Trappers Organization's participation in project  
19   monitoring. The Baker Lake Hunters and Trappers  
20   Organization currently employs a wildlife monitor  
21   funded by Agnico Eagle. This monitor monitors the haul  
22   road between the Whale Tail, Amaruq, and Meadowbank  
23   projects. The Hunters and Trappers Organization would  
24   like a second monitor to work on the access road  
25   between Meadowbank and Baker Lake. This could allow  
26   the hunters and trappers to play a more meaningful role

1 in adaptive management. It would also provide the  
2 additional staff needed to manage hunting on the  
3 Meadowbank road.

4 Agnico Eagle has indicated that it is willing to  
5 discuss the role of the hunters and trappers and  
6 project monitoring and that there may be opportunities  
7 for further funding. However, no clear commitments for  
8 funding have been discussed as of yet. And, again, the  
9 fact that the Hunters and Trappers Organization  
10 continues to lack the resources to fully participate in  
11 monitoring adds another layer of uncertainty for us.

12 Our next issue is the way in which Agnico has  
13 deferred so many caribou-related issues to the  
14 terrestrial advisory group. Most of the concerns the  
15 Hunters and Trappers Organization has raised through  
16 this process have been kind of diverted towards the  
17 terrestrial advisory group, which is a small advisory  
18 group kind of managed and -- by the industry. This is  
19 a cause of concern for the hunters and trappers. While  
20 we are a member of the terrestrial advisory group, the  
21 Hunters and Trappers Organization's ongoing capacity  
22 issues make it difficult to participate meaningfully.

23 Now, this problem of capacity is not limited to  
24 Baker Lake. This is a Nunavut-wide problem. For  
25 example, I was reading the transcripts from the Nunavut  
26 Impact Review Board's strategic environmental

1     assessment in the Qikiqtani region. At that meeting,  
2     representatives from most of the Hunters and Trappers  
3     Organizations identified huge barriers to participating  
4     in all technical processes due to a lack of technical  
5     staff.

6             In any case, deferring so many issues of  
7     mitigation to outside of the NIRB process to the  
8     terrestrial advisory group does add further uncertainty  
9     to the impact this project will have on caribou. It  
10    limits our ability to say with any certainty that the  
11    mitigation measures are enough because we can't discuss  
12    them all here.

13            Finally, mining in caribou calving grounds is one  
14    of the biggest concerns the Baker Lake Hunters and  
15    Trappers Organization has had with the mining industry  
16    to date. For decades, this organization has been  
17    pushing to have calving grounds protected along with  
18    several other hunters and trappers organizations, as  
19    well as several Dene, Cree, and Metis communities who  
20    hunt from a Qamanirjuaq and Beverly caribou herds. The  
21    fact that these sensitive areas remain open to mining  
22    exploration is a source of concern. And if a mine were  
23    to open in the calving grounds, it could create  
24    cumulative effects and interact with this project in  
25    that way.

26            So if Agnico Eagle publicly committed to staying



1 out of the caribou calving grounds, it could help  
2 reduce the uncertainty with regards to the cumulative  
3 effects this project could have on caribou.

4 MR. AKSAWNEE: So in conclusion, to be clear,  
5 this is not a list of demands. We don't need every  
6 last one of these issues checked off right now, but  
7 until we see clear commitments on a few of these  
8 issues, we can't say with certainty that this project  
9 will have no significant impacts on caribou.

10 When the Whale Tail project was first reviewed  
11 back in 2017, I told the Nunavut Impact Review Board  
12 that the Whale Tail project is a major development with  
13 the potential for serious harm to caribou and caribou  
14 hunting. The long haul road with heavy traffic could  
15 seriously disturb caribou migrations. That doesn't  
16 mean we oppose the project. It means we need to get  
17 the mitigation measures right.

18 Right now, we still don't know enough to say  
19 whether or not Agnico's mitigation measures will be  
20 enough to protect our tuktu.

21 Thank you, Madam Chair.

22 THE CHAIR: Thank you. Moving on to  
23 questions from (OTHER LANGUAGE SPOKEN).

24 Kivalliq Inuit Association Questions the Baker Lake  
25 Hunters and Trappers Organization

26 MR. POOLE: Thank you, Madam Chair. Kim

1 Poole for the Kivalliq Inuit Association.

2 Thank you for that presentation. That was -- that  
3 was good. One question: There is fairly substantial  
4 evidence that suggests that the potential impacts of a  
5 road to delay or deflect caribou varies quite  
6 significantly whether that road is hunted or not  
7 hunted. Hunted roads seems to have a larger deflection  
8 zone, zone of influence, than non-hunted roads.

9 There has been some work done along the Dempster  
10 Highway in the Yukon where local hunters are being  
11 encouraged to only hunt caribou after they have crossed  
12 the road on their direction of travel, and I'm  
13 wondering if the Baker Lake Hunters and Trappers  
14 Organization would support or would be able to  
15 encourage their members to -- to do that kind of  
16 hunting so that depending whether we're talking about a  
17 spring or a fall migration, that the hunting would only  
18 occur on the downstream side of the road after the --  
19 after the majority of the caribou have crossed it so  
20 that the caribou may not associate the road itself as  
21 a -- as a threat and cause greater delay or deflection  
22 of caribou. So I just put that out there as something  
23 to consider, if -- if that could occur. Thank you.

24 THE CHAIR: (OTHER LANGUAGE SPOKEN)

25 MR. BERNAUER: Thank you, Madam Chair.

26 Warren Bernauer for the Baker Lake Hunters and Trappers

1 Organization.

2 Thank you very much for that suggestion, Kim.

3 That's exactly the type of thing that the HTO wants to  
4 look into doing. We just currently lack the capacity  
5 to really meaningfully encourage the people to do that.

6 And I would add that the mitigation measure that you  
7 just suggested is actually -- it sounds very consistent  
8 with traditional Inuit methods of managing water  
9 crossings. We have held several workshops with Elders  
10 here, and the Harvaqtormiut Elders have told us that  
11 when they would hunt at water crossings, they wouldn't  
12 hunt them before they crossed the water. You'd hunted  
13 them afterwards. If you hunt them before they cross,  
14 it diverts the migration route. So that could  
15 potentially be an interesting way to start to seriously  
16 implement some of these IQ principals in the modern  
17 day, but we would obviously have to discuss that  
18 further with Elders to see if that makes sense to them.

19 THE CHAIR: (OTHER LANGUAGE SPOKEN)

20 MR. POOLE: Thank you, Madam Chair. Kim  
21 Poole for the Kivalliq Inuit Association.

22 No further questions.

23 THE CHAIR: Nunavut government.

24 MR. PINKSEN: Madam Chair, Steve Pinksen for  
25 the Government of Nunavut.

26 We have no questions for the Hunters and Trappers

1 Organization. Thank you.

2 THE CHAIR: CIRNAC.

3 MR. DEWAR: Thank you, Madam Chair.

4 Spencer Dewar, Crown-Indigenous Relations and Northern  
5 Affairs Canada.

6 No comments.

7 THE CHAIR: Environment Canada.

8 MS. PINTO: Thank you, Madam Chair,  
9 Melissa Pinto, Environment and Climate Change Canada.

10 We have no questions.

11 THE CHAIR: DFO Canada.

12 MR. D'AGUIAR: Thank you, Madam Chair. Thank  
13 you for the presentation. We have no questions.

14 Mark D'Aguiar with Fisheries and Oceans.

15 THE CHAIR: Health Canada.

16 MR. PARTRIDGE: Thank you, Madam Chair. Paul  
17 Partridge with Health Canada.

18 We have no questions at this time. Thanks.

19 THE CHAIR: NRCan.

20 MR. UNGER: Peter Unger, National  
21 Resources Canada. Thank you, Madam Chair.

22 We have no questions.

23 THE CHAIR: Agnico Eagle.

24 Comments by Agnico Eagle Mines Limited

25 MR. QUESNEL: Thank you, Madam Chair. Jamie  
26 Quesnel, Agnico Eagle.

1 I'm just going to add a little bit of -- make a  
2 few comments and add some clarification on the comments  
3 we just received from -- heard from the Baker Lake  
4 Hunter and Trapper Organization, but, also, we will  
5 talk with Warren and Richard about a few of the items  
6 that were mentioned.

7 Just with the -- with the road with the hunting,  
8 as probably some of us can recall, the original  
9 all-weather access road in the original application was  
10 a private road. However, based on input from the  
11 community and others, we had a reconsideration hearing  
12 with the Nunavut Impact Review Board to open up the  
13 road for Inuit traditional activities up to -- from  
14 Baker Lake up to Kilometre 86. So I just wanted to  
15 provide a little bit more colour and some clarity  
16 regarding the process of the road to allow Inuit  
17 traditional activities to occur on the all-weather  
18 access road from Baker Lake up to Kilometre 86.

19 Also, just dealing with the -- some of the  
20 comments regarding the terrestrial advisory group, it's  
21 been a process that we have been working on with  
22 multiple stakeholders, including the Hunters and  
23 Trappers Organization. We do have a terms of reference  
24 that was circulated to all the members and -- and  
25 signed by the Baker Lake Hunter and Trapper  
26 Organization on the process, what information should be

1 discussed within that advisory group.

2 It is not an advisory group that is controlled by  
3 Agnico Eagle. You referred to "industry", but I think  
4 you were just mentioning focusing on Agnico Eagle. So  
5 it's not controlled by us. It's based on the -- the  
6 agreed to terms of reference.

7 So we do have a process we all agreed to to share  
8 information, to look at improvements related to our --  
9 our management plans as associated with terrestrial  
10 activities but, primarily, caribou. And there's been  
11 many examples where this plan, since the terrestrial  
12 advisory group has been established with input by many  
13 parties -- approximately eight times. So different  
14 monitoring programs, looking at the group size  
15 threshold, things like that.

16 And it's not just western science and biologists  
17 in general. The Hunters and Trappers Organization has  
18 a major role to provide the traditional knowledge and  
19 IQ and understand -- so we understand the hunting  
20 practices better. We can incorporate how they manage  
21 caribou, the concerns about caribou, and how we  
22 incorporate that into our plans. So I just wanted  
23 to -- to mention that.

24 Dealing with the -- with the increased traffic and  
25 the pilot project, it is a -- we've been proposed --  
26 just proposed a pilot project related to the activity

1 during the migration when the road -- road is closed.  
2 It -- we still want to discuss that. We understand the  
3 concerns, but it's a process of communication and  
4 discussion to have this balanced approached that we're  
5 trying to achieve with all parties.

6 And, also, just dealing with general comments  
7 regarding calving grounds, our operations are now  
8 located in calving grounds. We are providing input and  
9 comments to the draft land use plan that's in  
10 circulation, so it's a process that we're going  
11 through. So we're providing comments with other  
12 industry members and also with -- a lot of people in  
13 this room are providing comments, so we're working  
14 through that process and continue to be a willing  
15 participant in providing comments.

16 But, again, we'd like to discuss this further with  
17 the Baker Lake Hunters and Trappers Organization on  
18 some of the comments about funding, but we feel  
19 that's -- that's just not an obligation to Agnico  
20 Eagle. The participation funding is very important to  
21 ensure we hear from all parties. So I think others  
22 might be able to support the Baker Lake hunters and  
23 trappers organizations so they can fulfill their  
24 obligation, and so we have a better project with their  
25 input. Thank you.

26 THE CHAIR: Baker Lake Hunters and

1 Trappers Organization.

2 Comments by the Baker Lake Hunters and Trappers  
3 Organization

4 MR. BERNAUER: Thank you, Madam Chair.  
5 Warren Bernauer for the Baker Lake Hunters and  
6 Trappers.

7 Thank you for your comments, Jamie, and your  
8 clarifications. Maybe I'll just clarify some -- a  
9 couple of your clarifications, and I think the TAG  
10 terms of reference is a really great example. When  
11 those were developed, I presume you had your legal  
12 counsel look over them, probably several lawyers on  
13 your team had a glance at them before you signed.

14 I presume the Government of Nunavut had a lawyer  
15 look at them before you signed that document as well.

16 And probably the Kivalliq Inuit Association's  
17 lawyer looked at it too.

18 The HTO doesn't have a lawyer. It really --  
19 they're at a disadvantage when it comes to  
20 participating in these matters. And this isn't about  
21 finger pointing at Agnico Eagle. It's just about being  
22 realistic about how much say the HTO really has in  
23 these committees that they sit on. Thank you.

24 THE CHAIR: Agnico Eagle.

25 MR. QUESNEL: Thank you, Madam Chair. Jamie  
26 Quesnel. Agnico Eagle.



1           Thank you for your comment.

2       THE CHAIR:                       NIRB staff.

3       Nunavut Impact Review Board Staff Questions the Baker  
4       Lake Hunters and Trappers Organization

5       MR. BARRY:                      Thank you, Madam Chair.   Ryan  
6       Barry, Nunavut Impact Review Board staff.

7           And I'm still chuckling at the thought of having  
8       the advantage of all these lawyers, if it's an  
9       advantage at all sometimes.   Sorry.   I'm still getting  
10      it in here.

11          But, first, I would like to recognize the --  
12      Agnico Eagle raised this, but the funding support made  
13      available by Crown-Indigenous Relations and Northern  
14      Affairs Canada through their new participant funding  
15      program, and I recognize that that helped support the  
16      hunters and trappers intervention in this process.

17          Our board, I know, really appreciates having the  
18      opportunity to hear the perspectives of hunters and  
19      trappers organizations directly in our assessments as  
20      it -- as it lends a lot of information about the local  
21      knowledge and experience working with these  
22      developments.

23          So my first question is:   Following approval of  
24      the Meadowbank gold mine and the Whale Tail Pit gold  
25      mine, was any additional funding support provided to  
26      the Hunters and Trappers Organization by government in

1 acknowledgement of your organization's role in  
2 monitoring and management of these approved projects?

3 MR. BERNAUER: Thank you. Oh, sorry.

4 THE CHAIR: Baker Lake Hunters and  
5 Trappers Organization.

6 MR. BERNAUER: Thank you. Warren Bernauer  
7 for the Baker Lake Hunters and Trappers Organization.

8 As far as we know, no.

9 THE CHAIR: NIRB staff.

10 MR. BARRY: Thank you, Madam Chair. Ryan  
11 Barry, Nunavut Impact Review Board staff.

12 Thank you for that response. So my next question,  
13 my final question: Can you be more specific? What  
14 specifically do you feel is required to ensure that the  
15 Hunters and Trappers Organization has sufficient  
16 capacity to fulfill all that's being asked of it,  
17 specifically, the coordination and management functions  
18 that are being requested of it for the approved Whale  
19 Tail Pit and Meadowbank projects as well as for this  
20 proposed amendment, if you have any thoughts of that  
21 that you can share?

22 THE CHAIR: Baker Lake Hunters and  
23 Trappers.

24 MR. BERNAUER: Thank you, Madam Chair.  
25 Warren Bernauer for the Baker Lake Hunters and Trappers  
26 Organization.

1 I think at minimum to really meaningfully do  
2 what's being expected of it, the Hunters and Trappers  
3 Organization would need two additional employees. They  
4 would need technical staff to facilitate participation  
5 in the terrestrial advisory groups, monitoring, the  
6 very likelihood that this will be re-assessed, and  
7 we'll be sitting around this table again in four years.  
8 Hopefully, the life of the mine will increase.

9 And, also, staff to have a presence on the  
10 Meadowbank road and to encourage responsible hunting in  
11 accordance with Inuit traditional values and rules, at  
12 minimum.

13 THE CHAIR: NIRB Board.

14 Nunavut Impact Review Board Questions the Baker Lake  
15 Hunters and Trappers Organization

16 MR. ALIKUT: Thank you, Madam Chair. Guy  
17 Alikut, NIRB Board member.

18 My question is with regards to the word "convoy".  
19 Half -- when half the herd is -- is -- is off the road,  
20 now, will the convoy begin to move towards or away  
21 from -- from the mine site? That's my first question.

22 THE CHAIR: Baker Lake Hunters and  
23 Trappers Organization.

24 MR. BERNAUER: Thank you very much. Warren  
25 Bernauer from the Baker Lake Hunters and Trappers  
26 Organization.

1 I think Agnico Eagle would probably be in a better  
2 position to answer those specifics about how their  
3 convoys are operating, if I understood your question  
4 correctly. I apologize if I didn't.

5 THE CHAIR: Guy.

6 MR. ALIKUT: Yes. Thank you.

7 After the caribou -- that caribous are passing  
8 through, and they're -- what does that mean? Half of  
9 the caribou herd has not passed through that trail. Is  
10 that what you mean? What's "convoy" mean?

11 THE CHAIR: Agnico Eagle.

12 MR. QUESNEL: Thank you, Madam Chair. Jamie  
13 Quesnel, Agnico Eagle.

14 When we use the term "convoy", we have our lead  
15 vehicle to advance the other vehicles within the convoy  
16 at a reduced speed along the haul road, and the lead  
17 vehicle would be observing for caribou, and if caribou  
18 are close to the road, on the road, they would stop the  
19 convoy and allow the caribou to cross, and then the  
20 convoy would continue.

21 This is based on information from collar  
22 information but, also, from the monitoring that's  
23 happening along the road related to height-to-land  
24 surveys and monitoring from -- from certain areas along  
25 the road.

26 But the convoy will be made up of -- of some

1 vehicles related to -- as per our -- Manon provided  
2 some additional information this morning on the type of  
3 vehicles that would be related to some employees in a  
4 bus, some food, some essential parts, emulsion, and  
5 other items like that.

6 So maybe three or four vehicles; maybe nine  
7 vehicles within a convoy. It would be basically bumper  
8 to bumper, minimal space between the vehicles. They  
9 would have communication within all the vehicles, and  
10 the vehicles will slowly travel along the haul road  
11 with the lead vehicle monitoring the situation related  
12 to caribou and other activities during that time.  
13 Hopefully, that provides additional context for -- for  
14 a convoy.

15 THE CHAIR: Guy.

16 MR. ALIKUT: Thank you. The HTO, would HTO  
17 be over there? If you had more funding, would they --  
18 are you saying that -- would HTO be over there?  
19 Because you have no such resources and funding that you  
20 don't have anyone staying over there; right? Is that  
21 what I understood? Thank you.

22 THE CHAIR: Baker Lake HTO.

23 MR. BERNAUER: Warren Bernauer for the Baker  
24 Lake Hunters and Trappers Organization.

25 At this time, the Hunters and Trappers  
26 Organization does have a monitor between the Meadowbank

1 and Whale Tail sites. So we do have somebody there to  
2 monitor their convoys. Our major concern is that we  
3 don't have anybody between Baker Lake and Meadowbank,  
4 the older road, and that's the road where Inuit hunt,  
5 where that needs to be managed.

6 And it remains a regularly used road that produces  
7 noise and dust, and according to information that's  
8 been shared to the terrestrial advisory group, it  
9 appears that that road is still deflecting and delaying  
10 caribou migrations. So our big concern is getting  
11 somebody on that Meadowbank to Baker Lake road.

12 THE CHAIR: Phillip.

13 MR. KADLUN: Good morning, Madam Chair.

14 Phillip Kadlun.

15 A couple of areas of clarification. Firstly,  
16 yesterday, we heard Agnico Eagle failed to -- ceased  
17 operation on the road, and my question to the HTO is  
18 whether there are ongoing dialogue to address those  
19 kinds of issues in terms of how you might better --  
20 better monitor the caribou movement on the road on  
21 their migration routes.

22 And, secondly, I'm wondering if whether Baker Lake  
23 hunters and trappers are -- have worked together with  
24 the local wildlife office because they do have  
25 responsibility about hunting on the road themselves.  
26 I'm wondering whether they can work together, address

1     what the hunters might not know regarding hunting on  
2     the roads.

3             (OTHER LANGUAGE SPOKEN), Madam Chair.

4     THE CHAIR:                     Baker Lake HTO.

5     MR. BERNAUER:                 Thank you, Madam Chair.

6     Warren Bernauer for the Baker Lake Hunters and Trappers  
7     Organization.

8             The Hunters and Trappers Organization certainly  
9     hopes that our ongoing dialogue with Agnico Eagle can  
10    help address issues with road closures and ensuring  
11    that the road is closed in a timely manner so the lead  
12    group of caribou doesn't get disturbed.

13            As to your second question -- yeah. Like, the  
14    wildlife officers are involved during road closures,  
15    and they do help with monitoring, and they maintain a  
16    presence there, and they do encourage responsible  
17    hunting.

18            That said, I think we need to do more research to  
19    look into ways to do this more effectively, and that's  
20    one of the things that we just don't have the funding  
21    and capacity to do right now. Given the concerns that  
22    we've been hearing from Elders at our workshops, more  
23    needs to be done to encourage hunters to follow  
24    traditional rules and values. Thank you.

25    MR. KADLUN:                   Madam Chair, Phillip Kadlun,  
26    Nunavut Impact Review Board.

1           That's all I have.

2       THE CHAIR:                   Thank you for your  
3       presentation.

4           Moving on to the next presenter on the agenda.  
5       We're going to move the Government of Nunavut down, and  
6       we'll start with (OTHER LANGUAGE SPOKEN).

7           Legal counsel.

8       MS. MEADOWS:                Thank you, Madam Chair.  
9       Teresa Meadows, legal counsel for the Nunavut Impact  
10      Review Board.

11           If I can have the witnesses state and spell their  
12      names for the record, please.

13      MR. DEWAR:                   Matna, Madam Chair.   Spencer  
14      Dewar, S-P-E-N-C-E-R D-E-W-A-R.

15      MR. NGWA:                    Thank you, Madam Chair.  
16      Felexce Ngwa, F-E-L-E-X-C-E N-G-W-A.

17      MS. MEADOWS:                Thank you.

18           Do the witnesses wish to be sworn or affirmed?

19      MR. NGWA:                    Sworn.

20      MR. DEWAR:                   Sworn.

21      SPENCER DEWAR, FELEXCE NGWA, Sworn

22      MS. MEADOWS:                Thank you.

23           Mr. Dewar, it's my understanding that -- that  
24      Crown-Indigenous Relations and Northern Affairs Canada  
25      has updated their presentation materials to reflect the  
26      most current discussions at this public hearing, and so



1 the presentation materials that were available and were  
2 filed with the board previously have been updated.  
3 There are some hard copies of the updated presentations  
4 at the back. I will be distributing them here, and we  
5 will be filing that as an exhibit in the public  
6 hearing, but we also do not yet have the updated  
7 interpretation or translations for this. And so the  
8 translations will be provided to the board as soon as  
9 they're available, perhaps during the public hearing,  
10 if not, shortly thereafter. Is that correct?

11 MR. DEWAR:                                Spencer Dewar,  
12 Crown-Indigenous Relations and Northern Affairs Canada.

13                That's correct. The board does have a copy of  
14 the -- the presentation that we are going to deliver.  
15 Do you have a hard copy for you to see, though? That's  
16 correct?

17 MS. MEADOWS:                            Yes, Mr. Dewar. They will.  
18 As soon as I've marked it as an exhibit, I will be  
19 providing it to them. In addition, I also have the  
20 previously filed presentation materials that I will be  
21 marking as the exhibits, as well as the executive  
22 summaries provided with respect to your technical  
23 review comments, and I will be marking those as the  
24 next exhibits in the public hearing.

25                Thank you, Madam Chair. Those are all my  
26 procedural matters.

1           EXHIBIT 37 - Hard Copy PowerPoint  
2           presentation of Crown-Indigenous Relations  
3           and Northern Affairs Canada's on Agnico Eagle  
4           Mine Limited's Whale Tail Pit Expansion  
5           Project (English)  
6           EXHIBIT 38 - Hard Copy PowerPoint  
7           presentation of Crown-Indigenous Relations  
8           and Northern Affairs Canada's on Agnico Eagle  
9           Mine Limited's Whale Tail Pit Expansion  
10          Project (Inuktitut)  
11          EXHIBIT 39 - Hard Copy PowerPoint  
12          presentation of Crown-Indigenous Relations  
13          and Northern Affairs Canada's on Agnico Eagle  
14          Mine Limited's Whale Tail Pit Expansion  
15          Project (French)  
16          EXHIBIT 40 - Hard Copy of Executive Summary  
17          of Final Written Submission on Agnico Eagle  
18          Mines Limited's Whale Tail Pit Expansion  
19          Project (English)  
20          EXHIBIT 41 - Hard Copy of Executive Summary  
21          of Final Written Submission on Agnico Eagle  
22          Mines Limited's Whale Tail Pit Expansion  
23          Project (Inuktitut)  
24          EXHIBIT 42 - Hard Copy of Executive Summary  
25          of Final Written Submission on Agnico Eagle  
26          Mines Limited's Whale Tail Pit Expansion

1 Project (French)

2 THE CHAIR: Thank you. You may proceed  
3 with your presentation.

4 Presentation by the Government of Nunavut

5 MR. DEWAR: Matna, Madam Chair.

6 Good morning. My name is Spencer Dewar. I'm the  
7 director of resource management with the Nunavut  
8 regional office of Crown-Indigenous Relations and  
9 Northern Affairs Canada.

10 It's my pleasure to be with here -- with you here  
11 today and present on the behalf of our department.

12 (OTHER LANGUAGE SPOKEN) Chair and all the board  
13 members, along with your staff, for giving us this  
14 opportunity to present here today. I would also like  
15 to thank the fellow interveners, Agnico Eagle, the  
16 community of Baker Lake for welcoming us, and our  
17 fellow interveners for participating in this review.

18 I'll reintroduce those that are with me today from  
19 the Crown-Indigenous and Northern Affairs staff. Sworn  
20 in Felexce Ngwa, the manager of impact assessment; in  
21 the audience, we have David Abernethy, regional  
22 socioeconomic analyst; Saba Qazi, senior environmental  
23 assessment specialist; Robert Tookoome, social policy  
24 officer; Tony Brown, senior technical advisor with  
25 Arcadis; Jennifer Walsh, senior environmental policy  
26 analyst; and Simon Gruda-Dolbec, legal counsel with the

1 department of justice.

2 I would like to take a moment to touch on  
3 Crown-Indigenous Relations and Northern Affairs  
4 Canada's role in the board's review of the proposed  
5 Whale Tail expansion project. The minister of  
6 Crown-Indigenous Relations and Northern Affairs Canada  
7 is a responsible minister in the review of the project,  
8 and she, along with other responsible ministers, will  
9 be making a decision on the proposed Whale Tail  
10 expansion based on a recommendation from the board.

11 As an intervener during the environmental  
12 assessment process, Crown-Indigenous Relations and  
13 Northern Affairs Canada provides expert advice to the  
14 board on environmental and socioeconomic topics that  
15 fall within our mandate. If the proposed expansion is  
16 authorized to proceed, Crown-Indigenous Relations and  
17 Northern Affairs Canada will have to have a regulatory  
18 role. We will also monitor the NIRB project  
19 certificate and participate in the inspection and  
20 enforcement of the water licence.

21 Today, Crown-Indigenous Relations and Northern  
22 Affairs Canada has participated in every stage of the  
23 review of the proposed Whale Tail expansion, including  
24 attendance at the board-led scoping meetings and  
25 community information sessions that were held in all  
26 seven Kivalliq communities.

1           Today, we will be presenting our final comments  
2   and recommendations submitted to the board in July  
3   2019. There are a total of 11 concerns of which 6 are  
4   completely resolved and require no follow-up. Two are  
5   resolved with recommendations for the board's  
6   consideration, and three are resolved for the purposes  
7   of environmental assessment but will be reviewed in  
8   more detail during the regulatory water licencing  
9   phase.

10           The first resolved concern relates to the water  
11   quality modeling. Specifically, Agnico Eagle did not  
12   provide a comparative analysis of the potential water  
13   quality impacts of the approved project compared to the  
14   proposed expansion. This made it difficult to assess  
15   the potential water quality impacts of the proposed  
16   expansion. Upon request, Agnico Eagle provided the  
17   information. The analysis supports Agnico Eagle's  
18   conclusions that the proposed Whale Tail expansion is  
19   not expected to result in significant environmental  
20   impacts. CIRNAC is satisfied with the response and  
21   considers this issue resolved.

22           Our next resolved concern relates to the effluent  
23   mixing zone in the receiving water bodies, in  
24   particular, Mammoth and Whale Tail Lake. Agnico Eagle  
25   concluded the water quality impacts associated with the  
26   proposed Whale Tail expansion would be similar to the

1 approved project. However, they did not specify the  
2 size of the effluent mixing zone in the receiving water  
3 bodies or the severity of the impacts within those  
4 areas.

5 Without this information, Crown-Indigenous  
6 Relations and Northern Affairs Canada was unable to  
7 validate Agnico Eagle's conclusions. To address this  
8 concern, Crown-Indigenous Relations and Northern  
9 Affairs Canada asked Agnico Eagle to characterize the  
10 size of the effluent mixing zone for all receiving  
11 water bodies where contamination could exceed water  
12 quality objectives as a result of both controlled and  
13 uncontrolled discharges.

14 Agnico Eagle was also asked to identify potential  
15 environmental impacts. Agnico Eagle has provided the  
16 requested modelling revisions which support their  
17 conclusions that the proposed expansion will not result  
18 in significant and adverse impacts to the receiving  
19 water bodies. CIRNAC is satisfied with the response  
20 provided by Agnico Eagle and has no further comment.

21 The next resolved concern relates to the human  
22 health and ecological risk assessment. The original  
23 summary of the assessment indicated that chemical  
24 exposures due to the proposed Whale Tail expansion  
25 could result in elevated risks to humans and wildlife.  
26 Given the incremental risks described in the summary,

1 Crown-Indigenous Relations and Northern Affairs Canada  
2 requested and received a full copy of the report from  
3 Agnico Eagle.

4 We have reviewed the full report and agree with  
5 Agnico Eagle's conclusions that the proposed Whale Tail  
6 expansion poses little risk of adverse effects on  
7 people and wildlife in the area. Crown-Indigenous  
8 Relations and Northern Affairs Canada is satisfied with  
9 the responses and considers this issue resolved.

10 The next resolved concern relates to the impacts  
11 of new water discharge and intake points. The proposed  
12 Whale Tail expansion includes a number of substantive  
13 changes to the water management strategy. Although  
14 Agnico Eagle provided a general overview of these  
15 changes, CIRNAC, Crown-Indigenous Relations and  
16 Northern Affairs Canada, requested additional details.

17 In particular, Crown-Indigenous Relations and  
18 Northern Affairs Canada asked Agnico Eagle to justify  
19 all proposed changes to water intake and discharge  
20 locations, including why the requirements have changed  
21 since the approved project. We also requested Agnico  
22 Eagle identify and describe the environmental impacts  
23 associated with these changes.

24 Agnico Eagle addressed these requests through  
25 their technical review submissions as well as  
26 supplemental modeling associated with commitments made

1 at the technical sessions in Baker Lake in June of  
2 2019. Crown-Indigenous Relations and Northern Affairs  
3 Canada is satisfied with the responses and considers  
4 these issues resolved.

5 The next concern relates to the -- relates to  
6 community involvement. Crown-Indigenous Relations and  
7 Northern Affairs Canada wanted clarification on how the  
8 issues identified through Agnico Eagle's community  
9 liaison system are monitored and reported.  
10 Crown-Indigenous Relations and Northern Affairs Canada  
11 and Agnico Eagle have discussed this concern and agree  
12 that community involvement measures are adequately  
13 captured in Agnico Eagle's socioeconomic management  
14 plan for the Whale Tail Pit expansion project, which  
15 was submitted with the addendum, as well as Agnico  
16 Eagle's June 2019 Kivalliq project socioeconomic  
17 monitoring program that was prepared pursuant to  
18 condition -- Project Certificate Condition Number 46  
19 for the existing Whale Tail site. Crown-Indigenous  
20 Relations and Northern Affairs Canada is satisfied with  
21 the approach taken by Agnico Eagle to encourage  
22 community participation and considers this issue to be  
23 resolved.

24 The next resolved concern relates to the  
25 submission of a socioeconomic monitoring program. At  
26 the time, it was unclear to Crown-Indigenous Relations



1 And Northern Affairs Canada if Agnico Eagle submitted a  
2 socioeconomic monitoring program pursuant to Term and  
3 Condition Number 46. Agnico Eagle confirmed the  
4 socioeconomic program was submitted in June of 2019.  
5 Crown-Indigenous Relations and Northern Affairs Canada  
6 is satisfied with the response and considers this issue  
7 resolved.

8 The next two concerns are considered resolved with  
9 recommendations for the board's consideration. The  
10 concern relates to the contamination of waste rock  
11 cover with elevated acid rock drainage and metal  
12 leeching potential. Agnico Eagle's water quality  
13 predictions assume that waste rock covers for the mine  
14 infrastructure will be exclusively of non-potential,  
15 acid-generating material.

16 Crown-Indigenous Relations and Northern Affairs  
17 Canada is concerned that this would be difficult to  
18 achieve and recommended that Agnico Eagle assess the  
19 water quality impacts associated with 1 percent  
20 contamination with metal leeching material.

21 Agnico Eagle provided the requested assessment,  
22 concluded that the 1 percent contamination would result  
23 in minor increases of arsenic concentrations that would  
24 remain below water quality objectives. While  
25 Crown-Indigenous Relations and Northern Affairs Canada  
26 acknowledges that the water quality predictions are not

1 expected to exceed water quality objectives, the water  
2 quality predictions were limited to 30 years and did  
3 not extend far enough into the future to determine  
4 long-term water quality impacts.

5         The margin of error and conservatism associated  
6 with the assessment was also uncertain. As this is  
7 Crown-Indigenous Relations' and Northern Affairs  
8 Canada's primary concern regarding the proposed Whale  
9 Tail expansion, we are seeking assurances that efforts  
10 are made to reduce this uncertainty surrounding the  
11 waste rock storage facility design.

12         Therefore, in the interim reclamation and closure  
13 plan, we are recommending that Agnico Eagle provide an  
14 outline explaining the work and/or research that has  
15 been done to minimize this uncertainty regarding the  
16 long-term, post-closure water quality impacts due to  
17 the waste rock storage facility.

18         In addition, if the project is to advance,  
19 Crown-Indigenous Relations and Northern Affairs Canada  
20 is open to discuss and collaborate with Agnico Eagle  
21 and other interested parties, such as the Kivalliq  
22 Inuit Association, to identify research opportunities  
23 that could reduce the above-mentioned risk and  
24 uncertainty.

25         The next concern relates to the inclusion of  
26 socioeconomic considerations in Agnico Eagle's project

1 closure plan. It is important for stakeholders,  
2 especially the community of Baker Lake, to prepare for  
3 changes in employment, contracting, and business  
4 opportunity before Meadowbank and the Whale Tail  
5 project -- projects eventually close.

6 Crown-Indigenous Relations and Northern Affairs  
7 Canada and Agnico Eagle have discussed the need for  
8 continued socioeconomic closure planning, and we're  
9 very close to an agreement. You almost had the  
10 pleasure of me reading a term and condition. However,  
11 we'll have to pause that, but we do commit to putting  
12 it on the record what the proposed term and condition  
13 would be before the record closes.

14 The final three concerns are generally considered  
15 resolved by Crown-Indigenous Relations and Northern  
16 Affairs Canada at the environmental assessment stage  
17 but will require follow-up during the regulatory phase,  
18 particularly, the water licencing process.

19 The next concern in this category relates to  
20 groundwater characterization. Crown-Indigenous  
21 Relations and Northern Affairs Canada concluded that  
22 there are gaps in knowledge about the groundwater  
23 regime of both the proposed Whale Tail expansion and  
24 the approved project.

25 Crown-Indigenous Relations and Northern Affairs  
26 Canada was concerned that these knowledge gaps could

1 potentially lead to significant changes to the  
2 predicted environmental impacts at the proposed  
3 expansion site. Further discussions with Agnico Eagle  
4 during the technical sessions in Baker Lake in June  
5 2019, Crown-Indigenous Relations and Northern Affairs  
6 Canada determined there's currently sufficient evidence  
7 to support Agnico Eagle's conclusions, that the  
8 groundwater pathway is unlikely to represent a  
9 significant source of contaminant loadings under most  
10 scenarios.

11 On this basis, Crown-Indigenous Relations and  
12 Northern Affairs Canada concluded that further analysis  
13 was no longer required for the purpose of environmental  
14 assessment process.

15 However, additional effort will be required during  
16 the water licencing process to validate environmental  
17 quality predictions through all phases of the proposed  
18 expansion. These mechanisms should include but are not  
19 limited to water quality monitoring and management  
20 plans.

21 The second concern relates to the margin of error  
22 associated with water quality predictions. The water  
23 quality monitoring was highly conservative, and as a  
24 result, some of the predicted contaminant  
25 concentrations into receiving water bodies exceeded  
26 quality objectives.

1           In June 2019, Agnico Eagle provided  
2   Crown-Indigenous Relations and Northern Affairs Canada  
3   with advised -- with revised water quality predictions  
4   that were prepared for the water licencing process.  
5   The reduced conservatism used by Agnico Eagle in these  
6   revisions was acceptable and resulted in significant  
7   reduction in the predicted contaminated concentrations.

8           Crown-Indigenous Relations and Northern Affairs  
9   Canada has concluded that further actions to address  
10   these concerns are not needed at the environmental  
11   assessment stage.

12          The last concern relates to revised management  
13   plans. Crown-Indigenous Relations and Northern Affairs  
14   Canada conducted detailed reviews of Agnico Eagle's  
15   management plans for the approved project and  
16   recommended changes to address potential environmental  
17   impacts. We asked Agnico Eagle to provide a table  
18   summary of if and how our comments were incorporated  
19   into the revised submissions for the proposed Whale  
20   Tail expansion.

21          Agnico Eagle requested that further evaluation of  
22   the revised management plans be deferred into the water  
23   licencing process and that the management plan  
24   submitted to the board in December of 2018 should be  
25   considered sufficient for the environmental assessment  
26   process.

1           Crown-Indigenous Relations and Northern Affairs  
2   Canada accepts Agnico Eagle's proposal and considers  
3   this issue resolved for the purposes of the  
4   environmental assessment process. However, we will  
5   pursue the issues further during the water licencing  
6   process.

7           To conclude, Crown-Indigenous Relations and  
8   Northern Affairs Canada conducted a review of the  
9   environmental impact statement addendum that fall  
10   within our mandate and found the analysis and  
11   presentation of the material to be adequate.

12          In our final written submission, we identified  
13   11 concerns pertaining to the assessment of the  
14   biophysical and socioeconomic aspects of the proposed  
15   Whale Tail expansion.

16          Agnico Eagle's responses and commitments have  
17   addressed our concerns for the environmental assessment  
18   process. However, there is follow-up on certain  
19   concerns that will be done during the regulatory phase  
20   and the water licencing process. If expansion is -- if  
21   the expansion is approved, Crown-Indigenous Relations  
22   and Northern Affairs Canada will continue to review and  
23   provide input on updated plans throughout the  
24   regulatory process to help minimize potential impacts  
25   on the people and the environment.

26          In closing, Crown-Indigenous Relations and

1 Northern Affairs Canada appreciates the opportunity to  
2 participate in this review, and we are looking forward  
3 to working with all parties involved throughout any  
4 remaining review. Thank you. (OTHER LANGUAGE SPOKEN)

5 THE CHAIR: Questions to CIRNAC.

6 MR. MANZO: Luis Manzo, Kivalliq Inuit  
7 Association. Thank you, Madam Chair.

8 No questions at this time.

9 THE CHAIR: Baker Lake Hunters and  
10 Trappers Organization.

11 MR. BERNAUER: Warren Bernauer for the Baker  
12 Lake Hunters and Trappers Organization.

13 No questions at this time. Thank you.

14 THE CHAIR: Government of Nunavut.

15 MR. PINKSEN: Thank you, Madam Chair. Steve  
16 Pinksen for the Government of Nunavut.

17 We have no questions.

18 THE CHAIR: Environment Canada.

19 MS. PINTO: Thank you, Madam Chair.  
20 Melissa Pinto, Environment and Climate Change Canada.

21 We have no questions.

22 THE CHAIR: Fisheries and Oceans Canada.

23 MR. D'AGUIAR: Thank you, Madam Chair. Mark  
24 D'Aguiar with Fisheries and Oceans Canada.

25 We have no questions, and thank you for the  
26 presentation.

1 THE CHAIR: Health Canada.

2 MR. PARTRIDGE: Thank you, Madam Chair. Paul  
3 Partridge for Health Canada.

4 We have no questions. Thank you.

5 THE CHAIR: NRCan.

6 MR. UNGER: Peter Unger, Natural Resources  
7 Canada. Thank you, Madam Chair.

8 No questions.

9 THE CHAIR: Agnico Eagle.  
10 Comments by Agnico Eagle Mines Limited

11 MR. QUESNEL: Thank you, Madam Chair. Jamie  
12 Quesnel, Agnico Eagle.

13 Just -- just one point of clarification. Final  
14 Comment Number 6 on the old slide deck was Slide  
15 Number 18. I just missed the slide number on the  
16 revised deck.

17 Just a comment regarding the water quality  
18 monitoring and management plans. With the approved  
19 Whale Tail project, we do have approved management  
20 plans, approximately 21 plans with the Nunavut water  
21 board, and we do have approved water quality monitoring  
22 and a management plan that we are using right now with  
23 the approval -- with the approved Whale Tail project.  
24 So I just wanted to provide that clarification. Thank  
25 you.

26 THE CHAIR: CIRNAC.



1 MR. DEWAR: Matna, Chair. Spencer Dewar,  
2 Crown-Indigenous Relations and Northern Affairs Canada.

3 We -- we agree with that statement.

4 THE CHAIR: NIRB staff.  
5 Nunavut Impact Review Board Staff Questions the  
6 Government of Nunavut

7 MR. BARRY: Thank you, Madam Chair. Ryan  
8 Barry, Nunavut Impact Review Board staff.

9 We do have a couple of quick questions. The  
10 first -- I think this was on your slide, but it would  
11 be helpful if you clarified. Can you confirm that  
12 Crown-Indigenous Relations and Northern Affairs Canada  
13 also has a role in enforcing the application of the  
14 terms and conditions of Nunavut Impact Review Board,  
15 Project Certificate Number 008, for the approved Whale  
16 Tail Pit project?

17 MR. DEWAR: Madam Chair, Spencer Dewar,  
18 Crown-Indigenous Relations and Northern Affairs Canada.

19 Yes. We do have inspection and -- and enforcement  
20 responsibilities under the Nunavut Planning Project  
21 Assessment Act, and that includes the project  
22 certificates issued by the Nunavut Impact Review Board.

23 THE CHAIR: NIRB staff.

24 MR. BARRY: Thank you, Madam Chair. Ryan,  
25 Barry, Nunavut Impact Review Board staff.

26 Thank you, Spencer, for that. We recognize that

1 your minister, as you mentioned, is a responsible  
2 minister for this proposal. In approving major  
3 development projects to proceed with terms and  
4 conditions that include monitoring and management  
5 responsibilities for local hunters and trappers  
6 organizations, what mechanism does Crown-Indigenous  
7 Relations and Northern Affairs Canada use for, then,  
8 ensuring that these hunters and trappers organizations  
9 are provided with adequate funding to fulfill their  
10 assigned duties?

11 THE CHAIR: CIRNAC.

12 MR. DEWAR: Matna, Madam Chair. Spencer  
13 Dewar, Crown-Indigenous Relations and Northern Affairs  
14 Canada.

15 Thank you for the question, Ryan. I would -- I  
16 would have to take that question under deferment to  
17 provide specifics. I do know that, you know, other  
18 sections of our minister's responsibility do provide  
19 funding for various organizations, whether it be  
20 institutions of public government, money for the  
21 Nunavut wildlife management board, which I do  
22 understand does go to hunters and trappers  
23 organizations. So to provide specifics, I would need  
24 to consult with members of our department. So I'll --  
25 I'll -- I'll defer that and provide you some specifics.

26 THE CHAIR: NIRB staff.

1 MR. BARRY: Thank you, Madam Chair. Ryan  
2 Barry, Nunavut Impact Review Board staff.

3 Thank you, Spencer. We'll -- we'll note that.  
4 And, perhaps, when you bring back your deferred  
5 response, if you could also look at any concrete  
6 examples where this has occurred where a project has  
7 been assessed and approved with conditions that assign  
8 responsibilities for hunters and trappers  
9 organizations, that that, then, was considered in  
10 increases in funding for hunters and trappers  
11 organizations with those responsibilities.

12 Example that springs to mind, for our assessments  
13 relates to the Meliadine gold mine, for example. There  
14 might be something to look at there.

15 So, Madam Chair, my -- my final question is on  
16 the -- another topic.

17 Can you clarify whether your department's  
18 consideration of the assessment provided by Agnico  
19 Eagle related to the potential impacts of acid rock  
20 drainage and metal leeching, considered the potential  
21 for impacts to plants and wildlife and associated  
22 potential uptake of contaminants through harvesting of  
23 these species?

24 THE CHAIR: CIRNAC.

25 MR. DEWAR: Matna, Madam Chair. Spencer  
26 Dewar, Crown-Indigenous Relations and Northern Affairs

1 Canada.

2 Our assessment is -- particularly focuses on the  
3 aquatic as a pathway. We -- we -- we don't focus on  
4 the terrestrial or the floor of fauna of the acid rock  
5 drainage.

6 THE CHAIR: NIRB staff.

7 MR. BARRY: Thank you, Madam Chair. Ryan  
8 Barry, Nunavut Impact Review Board staff.

9 Thank you. We have no further questions.

10 THE CHAIR: NIRB Board. Uriash.  
11 Nunavut Impact Review Board Questions Agnico Eagle  
12 Mines Limited

13 MR. PUQIQNAK: Thank you, Madam Chair. I am  
14 Uriash Puqignak, NIRB Board staff. I'm a NIRB Board  
15 member.

16 I had a question with water quality predictions  
17 and that you had concerns with that -- that there may  
18 be contaminants. That was a question that was brought  
19 up, and I had already heard the answer. It would be  
20 very dangerous should -- if there were to be  
21 contaminants in the water, and the predictions -- and  
22 that there may be contaminants going into the receiving  
23 waters outside the entire -- there -- we saw many lakes  
24 there. There were lakes that were close to and further  
25 away from the -- the mine site. So have you had any --  
26 do you have any idea how far the -- the plumes would go

1 from the NO2 and even how far contaminants would go  
2 from the mine site? Do you -- do you have -- does  
3 anyone know the predictions that were -- that were  
4 made? Do you know how far these contaminants would go  
5 into the environment into the receiving environment?

6 THE CHAIR: Thank you. CIRNAC.

7 MR. DEWAR: Matna, Madam Chair. Spencer  
8 Dewar, Crown-Indigenous Relations and Northern Affairs  
9 Canada.

10 That question may be better answered by Agnico  
11 Eagle themselves as they have done the analysis, and we  
12 have provided input on our, you know -- our expert  
13 review of what they have put forward. So we could  
14 defer it to Agnico Eagle to provide a response, if  
15 that's acceptable.

16 THE CHAIR: Agnico Eagle.

17 MR. QUESNEL: Thank you, Madam Chair. Jamie  
18 Quesnel with Agnico Eagle.

19 We just need a couple minutes to just gather some  
20 information.

21 THE CHAIR: Okay. It's almost 12:00, so  
22 we'll defer that response. We'll break for lunch 'til  
23 1:15, continue with the response from Agnico Eagle, and  
24 move on to Environment and Climate Change Canada's  
25 presentation.

26 \_\_\_\_\_

1 PROCEEDINGS ADJOURNED UNTIL 1:15 PM

2

3 (PROCEEDINGS COMMENCED AT 1:16 PM)

4 THE CHAIR: Good afternoon. We'll  
5 reconvene. We had the deferred response from Agnico  
6 Eagle.

7 Agnico Eagle.

8 Response to Deferred Questions by Agnico Eagle Mines  
9 Limited

10 MR. GROLEAU: Thank you, Madam Chair.

11 Michel Groleau, Agnico Eagle.

12 So to answer your question for the water quality  
13 and the mine contact water, is treated before it is  
14 discharged to Mammoth or Whale Tail Lake. The treated  
15 effluent is expected to meet guidelines and  
16 site-specific water quality objective for protection of  
17 aquatic life, as well as human and wildlife health  
18 within an hundred [sic] metre of the discharge. So  
19 this is approximately two times the length of the room  
20 here. And this distance have been approved as part of  
21 our approved project. So we already need to comply  
22 with that distance. And no change is expected with the  
23 expansion project.

24 Our assessment is in agreement with  
25 Crown-Indigenous and Relation Northern Affair Canada  
26 [sic] responses to the Final Comment Number 2, that

1 predicted effluent discharge will be sufficiently mixed  
2 in the receiver lake and will not result in ecological  
3 impacts.

4 Related to NO2 and dust, the mine infrastructure  
5 are few kilometres wide. The property boundaries is  
6 about 5 to 10 kilometres from the mine infrastructure.  
7 So NO2 and dust generated at the mine is transported to  
8 the property boundary, but concentration at that  
9 location are already below the Nunavut Ambient Air  
10 Quality Standard, which are protective of human health  
11 and the environment.

12 The emission are carried by the wind for days and  
13 week, but we couldn't distinguish from background  
14 outside the 60 by 60 kilometres grid that we presented  
15 below -- before. It take less than an hour to travel  
16 to the edge of that grid.

17 Thank you for your question.

18 THE CHAIR: Okay. Moving on to the next  
19 item on the agenda, a presentation from (OTHER LANGUAGE  
20 SPOKEN) .

21 Legal counsel.

22 MS. MEADOWS: Thank you, Madam Chair. If I  
23 can have the witnesses for Environment and Climate  
24 Change Canada state and spell their name for the  
25 record, please.

26 MS. PINTO: Melissa, M-E-L-I-S-S-A, Pinto,

1 P-I-N-T-O.

2 MR. ASHER: Brian Asher, B-R-I-A-N

3 A-S-H-E-R.

4 MS. MEADOWS: Thank you, Madam Chair.

5 Teresa Meadows, legal counsel for the Nunavut Impact  
6 Review Board.

7 Do the witnesses wish to be sworn or affirmed?

8 MS. PINTO: Affirmed, please.

9 MR. ASHER: Affirmed, please.

10 MELISSA PINTO, BRIAN ASHER, Affirmed

11 MS. MEADOWS: Thank you, Madam Chair.

12 Teresa Meadows, legal counsel for the Nunavut Impact  
13 Review Board.

14 Madam Chair, I have exhibits -- three exhibits to  
15 file in this -- in advance of this presentation, being  
16 the presentation of Environment and Climate Change  
17 Canada in English and Inuktitut, both on one -- one  
18 slide, and the executive summaries in English and  
19 Inuktitut and English and French. And the third  
20 exhibit is -- or fourth exhibit -- my apologies -- is  
21 Environment and Climate Change Canada, it's my  
22 understanding, will be providing some suggested text  
23 for an air quality term or condition, and they have  
24 circulated hard copies of that to other participants at  
25 the table today. But I will be marking that as an  
26 exhibit in this public hearing. And those are my



1 procedural matters, Madam Chair.

2 EXHIBIT 43(a) - Hard Copy PowerPoint  
3 Presentation Environment and Climate Change  
4 Canada's Presentation to the Nunavut Impact  
5 Review Board Respecting the Whale Tail Pit  
6 Expansion Project (English/Inuktitut)

7 EXHIBIT 43(b) - Hard Copy PowerPoint  
8 Presentation Environment and Climate Change  
9 Canada's Presentation to the Nunavut Impact  
10 Review Board Respecting the Whale Tail Pit  
11 Expansion Project (English/French)

12 EXHIBIT 44 - Hard Copy Executive Summary  
13 Technical Review Comments of Environment and  
14 Climate Change Canada (English/Inuktitut)

15 EXHIBIT 45 - Hard Copy Executive Summary  
16 Technical Review Comments of Environment and  
17 Climate Change Canada (English/French).

18 EXHIBIT 46 - Hard Copy Environment and  
19 Climate Change Canada Suggested Text for Air  
20 Quality Term and Condition (English)

21 THE CHAIR: Thank you.

22 You can proceed with your presentation.

23 Presentation by Environment and Climate Change Canada

24 MS. PINTO: Thank you.

25 Good afternoon, Madam Chair, Board members,

26 Elders, community members, board staff, and parties

1     that have joined us here today. My name is Melissa  
2     Pinto, and I'm a senior environmental assessment  
3     coordinator with Environment and Climate Change Canada.  
4     With me today I have Brian Asher, our senior air  
5     quality analyst.

6             In this presentation, we will summarize the  
7     department's final written submission along with any  
8     relevant discussions with the proponent since the  
9     submission was submitted to the Nunavut Impact Review  
10    Board on July 26th noting whether issues have been  
11    resolved.

12            To start off, I will go through Environment and  
13    Climate Change Canada's mandate and then briefly touch  
14    upon the relevant acts and legislation. For each  
15    topic, atmospheric, terrestrial, and aquatic  
16    environments, we will have a slide on the status of  
17    each of the department's concerns from the technical  
18    review submission with outstanding concerns and  
19    associated recommendations outlined in Environment and  
20    Climate Change Canada's final written submission to  
21    follow.

22            Under the Department of the Environment Act, the  
23    powers, duties, and functions of the Minister of  
24    Environment and Climate Change Canada extend to matters  
25    such as the preservation and enhancement of the quality  
26    of the natural environment, including water, air, and

1    soil quality, and the coordination of the relevant  
2    policies and programs of the Government of Canada;  
3    renewable resources, including migratory birds and  
4    other nondomestic flora and fauna; meteorology; and the  
5    enforcement of rules and regulations.

6            Environment and Climate Change Canada's mandate is  
7    governed by the Department of the Environment Act, the  
8    Canadian Environmental Protection Act, the pollution  
9    prevention provisions of the Fisheries Act, the  
10   Migratory Birds Convention Act, and the Species at Risk  
11   Act.

12           For atmospheric environment, Environment and  
13   Climate Change Canada currently has two unresolved  
14   issues from the technical review, which have now been  
15   combined into a single issue within the department's  
16   final written submission. I will highlight a couple  
17   commitments made by the proponent after the technical  
18   meeting which address the department's concerns with  
19   respect to dust fall sampling technique and road dust  
20   mitigation and adaptive management.

21           For Technical Comment 3, dust fall sampling  
22   technique, the proponent committed to dust fall  
23   sampling at a sampling height of 2 metres.

24           For Technical Comment 5, road dust mitigation and  
25   adaptive management, the proponent committed to revise  
26   the air quality and dust fall monitoring plan and

1 include a summary of community concerns related to haul  
2 road dust that will be included in the annual report,  
3 report and evaluate community concerns surrounding the  
4 haul road dust and the effectiveness of mitigation  
5 strategies on an annual basis, and if these concerns  
6 warrant additional measures, the proponent will  
7 consider enhanced monitoring of haul road dust.

8 Both of these commitments will be implemented  
9 after project certificate issuance should the project  
10 be approved.

11 Technical Comment 1 and 2, Canadian Ambient Air  
12 Quality Standards and sampling for nitrogen dioxide,  
13 are currently unresolved. Environment and Climate  
14 Change Canada affirms its position that the proposed  
15 expansion project's predicted and monitored ambient  
16 pollutant concentrations should be compared to the  
17 Canadian Ambient Air Quality Standards.

18 The standards for nitrogen dioxide were introduced  
19 in December 2017 after Environment and Climate Change  
20 Canada's review of the approved Whale Tail project.  
21 These standards are based on the most recent scientific  
22 information on the effects of nitrogen dioxide on human  
23 health and the environment. These standards are not  
24 intended to be used as an enforceable standard at the  
25 project perimeter. The department relies on the  
26 comparison with the Canadian Ambient Air Quality

1 Standards in determining the nature and severity of the  
2 project's impact on air quality levels and the  
3 resulting monitoring and mitigation measures that may  
4 be required to maintain good air quality levels.

5 The proponent has cited the proposed expansion  
6 project's relative remoteness and distance from large  
7 communities as a reason to not apply the Canadian  
8 Ambient Air Quality Standards. These standards are  
9 based on the principles of keeping clean areas clean  
10 and continuous improvement and were developed in  
11 consideration of both human health and the environment.  
12 The lack of a nearby human population within the  
13 estimated impact area of a project is not a reason to  
14 discount use of these standards during environmental  
15 assessment.

16 The proposed expansion project will result in  
17 substantially increased diesel emissions, primarily due  
18 to increases in power generation or hauling activity  
19 and blasting, resulting in an 81 percent increase over  
20 the approved project's emissions. Due to concerns  
21 related to nitrogen dioxide pollution, a robust and  
22 effective air quality management program which  
23 incorporates continuous nitrogen dioxide monitoring  
24 should be implemented.

25 A single passive nitrogen dioxide sampler as  
26 proposed by the proponent would be inadequate for

1 informing mitigation and adaptive management decisions.

2 THE TRANSLATOR: She's going too fast.

3 MS. PINTO: These samplers have potential  
4 problems with accuracy, particularly in cold climates.  
5 This issue has not been addressed by the proponent. In  
6 addition, data generated by the 30-day samplers cannot  
7 be compared directly to the one-hour Canadian Ambient  
8 Air Quality Standards or the one-hour Nunavut  
9 standards.

10 Earlier in the hearing, the proponent was asked by  
11 the Nunavut Impact Review Board about the feasibility  
12 of conducting a study to compare continuous versus  
13 passive monitoring techniques. In their response, the  
14 proponent reiterated their statistical analysis of  
15 other monitoring sites data, which they presented at  
16 the technical meeting. To be clear, this was not a  
17 study that compared passive versus continuous  
18 monitoring co-located in the field. Instead, they  
19 relied upon a conversion factor from the Ontario  
20 modelling guideline.

21 Environment and Climate Change Canada disagrees  
22 with the application of this factor for multiple  
23 reasons which are outlined in our final submission. It  
24 is the department's view that the proponent has not  
25 provided adequate justification for not employing  
26 continuous nitrogen dioxide monitoring.

1           The proponent has cited the technical difficulty  
2   in establishing continuous nitrogen dioxide monitoring  
3   at the mine site; however, this monitoring technology  
4   has been demonstrated to be feasible at numerous other  
5   sites, including remote research stations and other  
6   mine sites in Nunavut.

7           Terms and conditions requiring continuous nitrogen  
8   dioxide monitoring have been considered and accepted by  
9   the Board for both the TMAC Hope Bay and Baffinland  
10   Mary River mines.

11          Environment and Climate Change Canada recommends  
12   that the proponent implement continuous monitoring of  
13   nitrogen dioxide downwind of mining activities. This  
14   monitoring should be incorporated into an adaptive  
15   management strategy which identifies thresholds for  
16   monitored ambient nitrogen dioxide concentrations and  
17   associated mitigation measures to reduce nitrogen  
18   dioxide emissions if necessary. These components of  
19   the strategy should be outlined in the mine's air  
20   quality and dust fall monitoring plan and reported  
21   annually.

22          Environment and Climate Change Canada proposes the  
23   following term and condition to address this issue.  
24   The proponent shall update the air quality management  
25   plan to include continuous nitrogen dioxide monitoring  
26   for the purposes of comparing the monitoring results

1 with the levels predicted in the impact assessment and  
2 relevant guidelines. The proponent shall also update  
3 the air quality management plan to include an adaptive  
4 management strategy which identifies thresholds for  
5 monitored ambient nitrogen dioxide that will trigger  
6 appropriate mitigation measures.

7 For terrestrial environment, all of the  
8 outstanding issues from the technical meeting have been  
9 resolved. Technical Comment 10 will be addressed in  
10 the next slide, as it was included as an unresolved  
11 issue at the time the department's final submission was  
12 submitted to the Nunavut Impact Review Board.

13 For Technical Comment 11, displacement of  
14 migratory birds, the proponent has revised the bird  
15 displacement estimates for the expansion project.  
16 Revised estimates increase the range in absolute value  
17 of bird displacement but not magnitude, as magnitude is  
18 based on the amount of habitat altered, which remains  
19 unchanged. Environment and Climate Change Canada is of  
20 the opinion that the revised displacement estimates are  
21 more accurate and therefore reduce uncertainty related  
22 to the impact assessment; therefore, the department  
23 considers this issue resolved.

24 Technical Comment 10, exposure to contaminants has  
25 been resolved.

26 Environment and Climate Change Canada provided



1 advice to the proponent to refine some of the  
2 assumptions of the ecological risk assessment including  
3 residency times and site-specific bird weights.

4 The proponent agreed to revise the ecological risk  
5 assessment and considered ingestion of water, sediment,  
6 and invertebrates at the tailings storage facility as a  
7 pathway of contamination for all wildlife receptors, as  
8 well as assess semipalmated sand piper contamination  
9 risks for all pathways of contamination.

10 The proponent provided the updated risk assessment  
11 to the department on August 6th. Environment and  
12 Climate Change Canada is satisfied with the updated  
13 analysis and notes that the results of the revised  
14 ecological risk assessment may lead to a revision to  
15 current mitigation practices and on-site monitoring.

16 For aquatic environment, Environment and Climate  
17 Change Canada had two unresolved issues carried over  
18 from the technical review and two issues that will be  
19 carried to the regulatory or water licence phase. I  
20 will highlight the discussions that occurred to resolve  
21 these issues.

22 For Technical Comment 15, Schedule 2 listing and  
23 water body use by fish, the mining and processing  
24 division of Environment and Climate Change Canada met  
25 with the proponent on June 27th to discuss the  
26 Schedule 2 amendment for Lake A53 and the possibility

1 for other water bodies. The department confirmed that  
2 Lake A53 will need to be listed on Schedule 2 of the  
3 metal and diamond mining effluent regulations.

4 There are other water bodies affected by the  
5 proposed expansion project which may also need to be  
6 added to Schedule 2 if they are determined to be fish  
7 frequented. Additional information submitted by the  
8 proponent is currently being assessed to make that  
9 determination. For purposes of the environmental  
10 assessment, the department considers this concern  
11 resolved.

12 For Technical Comment 17, water quality  
13 predictions, the proponent provided a technical  
14 memorandum outlining high-level analyses performed on  
15 representative data sets from both Meadowbank and  
16 Meliadine mines and rationalizing the use of  
17 10 milligrams per litre of total suspended solids for  
18 runoff from the waste rock storage facilities as an  
19 assumption in the Whale Tail site and downstream water  
20 quality model. The department accepts this assumption.

21 For Technical Comment 18, water quality prediction  
22 scenarios, the proponent provided clarification  
23 regarding water quality prediction scenarios. Any  
24 further discussion on this topic will be deferred to  
25 the water licencing process.

26 Technical Comment 16, alternative effluent

1 discharge locations, is currently resolved. In the  
2 final written submission, Environment and Climate  
3 Change Canada noted that the use of a previously  
4 unaffected watershed as an additional discharge  
5 location is not a preferred option for managing levels  
6 of effluent-associated parameters. Any available  
7 mitigation measures should be implemented in order to  
8 limit aquatic effects of the project to Mammoth Lake  
9 and Whale Tail Lake south basin, including source  
10 control and treatment optimization.

11 The potential effects to Lakes D1 and D5 were not  
12 evaluated for water quality, but some changes to water  
13 quality in these lakes would be anticipated. As the  
14 potential effects to Lakes D1 and D5 and the downstream  
15 environment were not evaluated for aquatic effects,  
16 including water quality, the potential magnitude of  
17 change, spatial extent, and duration of any aquatic  
18 effects are unknown.

19 There is a need for a clearly defined process to  
20 quantify and evaluate potential aquatic effects to  
21 Lakes D1 and D5 and the downstream environment, which  
22 should be done well in advance of deciding whether to  
23 use these proposed alternative discharge locations.

24 Environment and Climate Change Canada recommended  
25 that the proponent prioritize source control and  
26 treatment optimization for managing effluent quality

1 and quantity over the use of alternative effluent  
2 discharge locations and describe how this will be  
3 accomplished.

4 Environment and Climate Change Canada also  
5 recommended that the Nunavut Impact Review Board  
6 develop conditions to address the effects assessment  
7 gap described, including terms that require the  
8 proponent to provide a full evaluation of the potential  
9 aquatic effects, including water quality to Lakes D1  
10 and D5 and downstream that may result from the  
11 discharge of treated effluent to alternative discharge  
12 locations. This evaluation should be provided well in  
13 advance of deciding whether to use these proposed  
14 alternative discharge locations. Develop alternative  
15 effluent management plans to be used in place of the  
16 alternative effluent discharge locations in the event  
17 that the predicted aquatic effects to Lakes D1 and D5  
18 and downstream are not acceptable.

19 Environment and Climate Change Canada and the  
20 proponent came to an agreement on the proposed wording  
21 for the term and condition related to this issue and  
22 agrees with the wording proposed by the proponent in  
23 their response to final written submissions with an  
24 addition to the first sentence which reads as follows:  
25 (as read)

26 ... if the contingency to discharge treated

1           effluent to one or both of D1 and D5 lakes is  
2           required based on the thresholds established  
3           as per the Whale Tail Expansion Project water  
4           management decision tree.

5   Technical Comment 19, model inputs in water balance in  
6   climate change, has been resolved. In the final  
7   written submission, the department noted that the  
8   proponent should consider a range of projections from  
9   different climate models for a range of plausible  
10   emission scenarios and recommended that the proponent  
11   clarify how the proposed waste rock storage facility  
12   cover systems would perform long term under the full  
13   range of plausible emission scenarios, including  
14   representative Concentration Pathway 8.5 considering  
15   the potential effects of climate change on temperature.

16           Environment and Climate Change Canada reviewed the  
17   information provided by the proponent in their response  
18   to final written submissions and is satisfied with the  
19   climate change analysis conducted.

20           Thank you to the Nunavut Impact Review Board for  
21   allowing us to present today. We welcome any  
22   questions.

23   THE CHAIR:                   Questions to Environment  
24   Canada, Kivalliq Inuit Association?

25   MR. MANZO:                   Thank you, Madam Chair. Luis  
26   Manzo, Kivalliq Inuit Association. No questions.

1 THE CHAIR: Baker Lake Hunters and  
2 Trappers Organization.

3 MR. AKSAWNEE: Richard Aksawnee, Baker Lake  
4 Hunters and Trappers Organization. We have no  
5 questions.

6 THE CHAIR: Government of Nunavut.

7 MR. PINKSEN: Thank you, Madam Chair.  
8 Steven Pinksen, Government of Nunavut. We have no  
9 questions.

10 THE CHAIR: CIRNAC.

11 MR. DEWAR: Thank you, Madam Chair.  
12 Spencer Dewar, Crown-Indigenous Relations and Northern  
13 Affairs Canada. No questions.

14 THE CHAIR: Fisheries and Oceans Canada.

15 MR. D'AGUIAR: Thank you, Madam Chair. Mark  
16 D'Aguiar with Fisheries and Oceans Canada. Thank you  
17 for your presentation. We have no questions.

18 THE CHAIR: Health Canada.

19 MR. PARTRIDGE: Thank you, Madam Chair. Paul  
20 Partridge from Health Canada. We have no questions.

21 THE CHAIR: NRCan.

22 MR. UNGER: Peter Unger, Natural Resources  
23 Canada. Thank you, Madam Chair. No questions.

24 THE CHAIR: Agnico Eagle Limited [sic].

25 Agnico Eagle Mines Limited Questions Environment and  
26 Climate Change Canada

1 MR. QUESNEL: Thank you, Madam Chair. Jamie  
2 Quesnel, Agnico Eagle.

3 Just have a -- I think one question and a few  
4 clarifications. So the -- the first question we have:  
5 Do you agree with the model results indicating that the  
6 expansion project remains compliant with the applicable  
7 Nunavut Ambient Air Quality Standards at the project  
8 boundary?

9 THE CHAIR: Environment Canada.

10 MR. ASHER: Brian Asher, Environment and  
11 Climate Change Canada.

12 We do agree with the model results. We don't have  
13 any outstanding issues with the model results. Thank  
14 you.

15 THE CHAIR: Agnico Eagle.

16 MR. QUESNEL: Thank you, Madam Chair. Jamie  
17 Quesnel, Agnico Eagle.

18 Just a follow-up with that. We just ask: Do you  
19 agree with the model results that are compliant to the  
20 applicable Nunavut Ambient Air Quality Standards at the  
21 project boundary? Thank you.

22 THE CHAIR: Environment Canada.

23 MR. ASHER: Brian Asher, Environment and  
24 Climate Change Canada.

25 I think it's worth clarifying that our role as --  
26 as Environment and Climate Change Canada is not to

1     assess compliance with air quality standards. We leave  
2     that to other parties in terms of assessing compliant  
3     [sic] with standards. Our input relating to the  
4     Canadian Ambient Air Quality Standards has been clear  
5     that we do not expect that the Canadian Ambient Air  
6     Quality Standards -- sometimes called "CAAQS" -- are  
7     not to be used as enforceable standards at the project  
8     perimeter. Thank you.

9     THE CHAIR:                     Agnico Eagle.

10    MR. QUESNEL:                 Thank you, Madam Chair. Jamie  
11    Quesnel, Agnico Eagle.

12           As we presented with the results, just for  
13    clarity, the results are below the Nunavut Ambient Air  
14    Quality Standards at the project boundary. I just  
15    wanted to clarify that.

16           Just with the continuous monitors, it also ties  
17    into the -- the question related to the human health  
18    ecological risk assessment. We did consider the  
19    Canadian Ambient Air Quality Standards at Environment  
20    Canada and Climate Change's [sic] request during the  
21    assessment, but based on our risk assessment which we  
22    presented earlier -- yesterday, the outcomes -- based  
23    on those outcomes being very low, we did not carry that  
24    forward. So it was considered, but as the results were  
25    low, it was not carried forward.

26           Now, just tied into the monitoring piece, just for



1 clarification, like, we evaluated -- we looked at some  
2 of the continuous monitors that are operating. And as  
3 we mentioned some of the challenges yesterday to --  
4 first of all, we don't agree that we should install one  
5 based on our results with the -- we feel, more of an  
6 applicable standard, being the Nunavut Ambient Air  
7 Quality Standard. We evaluated the operational  
8 effectiveness of these units in the north, as we do  
9 have challenges with power and other -- other things  
10 that we mentioned yesterday.

11 But just as an example, there is one in Iqaluit,  
12 so it has a larger population. It's -- it has schools  
13 and hospitals, things like that, where there's one unit  
14 running. But over a three-year period, the -- the data  
15 that's produced from this unit is in the range of 33 to  
16 44 percent. So it's not at 100 percent over three  
17 years. It's providing the one-hour data in a range of  
18 33 to 44 percent of the time. So I'm not too sure  
19 about the effectiveness of the -- of the units, first  
20 of all, and also the applicability of the Canadian  
21 Air -- Air -- Ambient Air Quality Standard related to  
22 our project where we are complying with the Nunavut  
23 Ambient Air Quality Standard as we have demonstrated in  
24 our models.

25 And, finally, at break or after today's session,  
26 if anyone's interested about -- or interested about the

1 type of monitors, we do have -- we call them "pucks"  
2 and the dust fall monitor canisters. They're at the  
3 table at the back of the room by the 3D model, and  
4 we'll have someone there to explain those two units.  
5 Thank you.

6 THE CHAIR: Environment Canada and Climate  
7 Change.

8 MR. ASHER: Brian Asher, Environment and  
9 Climate Change Canada.

10 We have no further questions or response to Agnico  
11 Eagle at this time. We will confer the questions by  
12 other parties. Thank you.

13 THE CHAIR: Agnico Eagle, any more  
14 questions?

15 NIRB staff.  
16 Nunavut Impact Review Board Staff Questions Environment  
17 and Climate Change Canada

18 MR. BARRY: Thank you, Madam Chair. Ryan  
19 Barry, Nunavut Impact Review Board staff.

20 Thank you again for your -- your presentation. I  
21 do want to get into this issue a little bit more --  
22 everyone's favourite -- of passive versus continuous  
23 monitoring. You referenced -- and I appreciate you  
24 referenced to the approved Mary River iron mine and the  
25 Doris North mine as well as having continuous  
26 monitoring programs. For the benefit of the Board, can

1     you maybe elaborate on what Environment and Climate  
2     Change Canada would see as the advantage of -- of those  
3     type of continuous systems versus the passive system  
4     that we've been describing, just for context?

5     THE CHAIR:                     Environment Canada and Climate  
6     Change.

7     MR. ASHER:                    Thank you, Madam Chair.  
8     Thanks for the question.

9             There are -- we outlined a lot of these  
10    differences between continuous and passive in our  
11    written submissions, so -- but I can explain, and I  
12    think it would be helpful to everybody.

13            There are a couple main weaknesses related to the  
14    passive samplers. The main -- one of the main problems  
15    in terms of their limitations on the applicability of  
16    monitoring air or their -- their limitations in  
17    monitoring air is that the -- as Jamie mentioned, they  
18    are pucks. There's no active mechanism in terms of  
19    pulling air into the puck. It's a puck that has a  
20    sample medium inside of it. And that sample medium  
21    absorbs NO<sub>2</sub>. And -- and the way that they're used is  
22    you -- you put them out and you leave them for 30 days  
23    and then you collect them and you send them to a lab.  
24    And the lab knows that there's a -- a rate of how much  
25    you sample -- how much air or how -- the -- the --  
26    the -- the lab knows the relationship between the

1 concentration on the puck and the concentration in the  
2 air.

3 A big problem with that is that what you get is a  
4 single data point which is effectively the average NO2  
5 concentration over a 30-day period. The standards that  
6 we're very much interested in, both for the Government  
7 of Nunavut and the Canadian Ambient Air Quality  
8 Standards, that is the -- there's the Nunavut Ambient  
9 Air Quality Standards and the Canadian Ambient Air  
10 Quality Standards. They have one-hour values, one-hour  
11 metrics. So that, effectively, is: What is the  
12 concentration of nitrogen dioxide averaged over a  
13 one-hour period?

14 Near pollution sources, especially near mines,  
15 concentrations of NO2 vary significantly, and -- and  
16 you have circumstances where there are periods of time  
17 where concentrations are very high, and then they'll  
18 drop off. And that varies due to multiple factors,  
19 time of day, sunlight, but, very importantly, the  
20 amount -- the emissions.

21 The -- what you get if you're sampling over  
22 30 days is effectively you're missing all of those  
23 peaks, and those peaks are important in terms of their  
24 impact -- health impact. So that's -- effectively,  
25 you're just missing the high concentrations, and that's  
26 a problem with the passives.

1           A second problem with the passives is that they  
2   have not been adequately assessed for the field  
3   conditions in which they are used. Those field  
4   conditions around here in the winter, as you know, can  
5   get average temperatures of about 35 degrees Celsius  
6   below zero. And, of course, temperatures can drop  
7   below that.

8           I looked into the specific passive sampler that  
9   the proponent has been employing, and, unfortunately,  
10   the sampler itself -- and the sample medium is a  
11   proprietary medium, so we don't know what's in it. But  
12   that's okay, as long as there is adequate data that  
13   validates that these samplers are useful at minus 35 or  
14   below. There isn't adequate field validation for these  
15   samplers.

16          I realize I have not said my name at the top of  
17   this, so I'll say now it's Brian Asher, Environment and  
18   Climate Change Canada. Thank you.

19   THE CHAIR:                   NIRB staff.

20   MR. BARRY:                   Thank you, Madam Chair. Ryan  
21   Barry, Nunavut Impact Review Board staff. And thank  
22   you, Brian, for that response.

23          Maybe just -- I realize we're going to hear from  
24   Health Canada next as well, and you referenced -- I  
25   think this is in your -- in your response, Brian, but  
26   can you speak to what -- what are the environmental

1 consequences of concern regarding nitrous dioxide,  
2 this -- these emissions that we're talking about?  
3 Again, very broadly, we've heard a lot of  
4 back-and-forth about why it's important to monitor and  
5 what the best monitoring method is, but could you  
6 explain in a high level why it's important to monitor  
7 nitrous dioxide?

8 THE CHAIR: Environment and Climate  
9 Change.

10 MR. ASHER: Thank you. Brian Asher,  
11 Environment and Climate Change Canada.

12 There are a number of consequences related to  
13 nitrogen dioxide pollution. I won't go into the  
14 details on the health aspects because I'll leave that  
15 to my colleague at Health Canada. But suffice to say,  
16 there are health impacts related to exposure to  
17 nitrogen -- nitrogen dioxide. There are also  
18 environmental impacts. NO<sub>2</sub> -- this has been assessed  
19 by the proponent in terms of acid deposition. We're  
20 not immediately concerned with the potential for acid  
21 deposition, but excessive NO<sub>2</sub> pollution can contribute  
22 also to acid deposition concerns.

23 NO<sub>2</sub>, like any pollutant, has the potential to  
24 affect people, as well as wildlife. And so there --  
25 our overall -- overarching idea is that the proponent  
26 assessed specific receptors around the mine site, and

1 they've identified that they don't expect that the  
2 receptors -- people -- are going to be close enough to  
3 the mine site to adequately be affected or to be  
4 affected adversely.

5 Our position is that the mine site -- prior to the  
6 introduction of the mine site, the air was clean.  
7 There was no major sources of NO2. Now, with the  
8 introduction of the mine, there are very substantial  
9 emissions of NO2. And the principles that Environment  
10 and Climate Change Canada operates in terms of the --  
11 how we -- we wish for air quality and air resources to  
12 be managed is the -- as Melissa had mentioned, keeping  
13 clean areas clean and continuous improvement. So we  
14 have an area of land where people should have a right  
15 to be, and maybe they're not there right now, but that  
16 air is now -- has diminished air quality. And in our  
17 view, it's a reasonable outcome to have NO2  
18 monitoring -- effective NO2 monitoring to have an idea  
19 of how much pollution you're really generating from  
20 this mine. Thank you.

21 THE CHAIR: NIRB staff.

22 MR. BARRY: Thank you, Madam Chair. I  
23 think the proponent, Agnico Eagle, is hoping to  
24 interject as well if you would like to give them the  
25 floor.

26 THE CHAIR: Agnico Eagle.

1 MR. QUESNEL: Thank you, Madam Chair. Jamie  
2 Quesnel, Agnico Eagle.

3 I just wanted to -- just picked up on a few things  
4 that was mentioned by Environment Canada about the  
5 applicability of the Canadian Ambient Air Quality  
6 Standard.

7 Based on our review of the standard and our --  
8 also our review of other public documents for other  
9 environmental assessments that has occurred in Canada,  
10 the Canadian Ambient Air Quality Standard is not  
11 applicable to individual facilities. It's regionally  
12 based. Now, it deals with air sheds and air zones, and  
13 the air shed for this area is northern Canada, and the  
14 air zone is the territory -- is -- is Nunavut. Other  
15 locations in the country -- let's say British Columbia,  
16 for example -- it may be broken down into little  
17 slivers, different air zones. So I just wanted to  
18 provide that clarity.

19 And also dealing with the other operators -- let's  
20 say Doris -- I -- our understanding is to be  
21 implemented. It's not operational. So I just wanted  
22 to provide that additional clarity related to  
23 Environment Canada and Climate Change response to Ryan.  
24 Thank you.

25 THE CHAIR: NIRB staff.

26 MR. BARRY: Thank you, Madam Chair. Ryan



1 Barry, Nunavut Impact Review Board staff.

2 Thank you for the clarification and the further  
3 explanations. We have no further questions.

4 Madam Chair, I apologize. Legal counsel has  
5 pointed out one matter we do wish to raise just before  
6 we end this topic.

7 THE CHAIR: Legal counsel.

8 MS. MEADOWS: Thank you, Madam Chair.

9 Teresa Meadows, legal counsel for the Nunavut Impact  
10 Review Board.

11 Madam Chair, we just noted that the presentation  
12 that was actually spoken to differs slightly from the  
13 one that has been marked as the exhibit. I see that  
14 there were a couple of updated slides. So just for the  
15 record, I wanted to make it clear that the version that  
16 has been marked as the exhibit differs slightly in  
17 terms of the unresolved and resolved issues, and it  
18 contains a summary slide in the exhibit that was not  
19 included in the -- in the one that was presented. So  
20 if someone is following along in the transcript, they  
21 may be a bit confused by the exhibit -- the differences  
22 between the exhibit and the -- the presentation that  
23 was presented.

24 What we will do is we will put the updated  
25 presentation as well marked as the subsequent exhibit  
26 to this so that someone would be able to follow along

1 with the updated electronic version of the exhibit as  
2 we saw it presented. So thank you, Madam Chair.

3 EXHIBIT 47 - Updated Electronic Copy of  
4 Exhibit Number 43 PowerPoint Presentation  
5 Environment and Climate Change Canada's  
6 Presentation to the Nunavut Impact Review  
7 Board Respecting the Whale Tail Pit Expansion  
8 Project (English/Inuktitut)  
9 Nunavut Impact Review Board Questions Environment and  
10 Climate Change Canada

11 THE CHAIR: Thank you.

12 Questions to -- Guy, from the Board.

13 MR. ALIKUT: Thank you. Board member for  
14 NIRB.

15 I have a question to Environment Canada. When you  
16 said there could be -- we could be facing danger and  
17 there's no time that we -- we won't know until -- I  
18 would like to get a clarification on is it not so big  
19 that we cannot -- you cannot be more concerned? We  
20 know that there can be -- we could face -- like,  
21 because these are not running all the time. How is it  
22 that -- what -- you didn't know -- how are we going to  
23 know with Nunavut? Like, is it going to be just going  
24 ahead? Or I'd like to get a clarification on that.  
25 How safe and how unsafe are we? Maybe it's not so  
26 unsafe. Maybe -- we -- are you saying that Agnico can

1 go ahead and do whatever they want because they --  
2 we -- it feels like we are not [sic] in danger on this  
3 issue. Thank you.

4 THE CHAIR: Environment Canada.

5 MR. ASHER: Brian Asher, Environment and  
6 Climate Change Canada. Thank you, Madam Chair, and  
7 thank you for the question.

8 I want to clarify -- maybe ask you a follow-up  
9 just to find out precisely what you're asking. Are you  
10 wondering what would be the implications if we do not  
11 do the continuous monitoring for NO2?

12 MR. ALIKUT: Thank you. Guy Alikut.

13 Yes, that is a question I'm raising. And you  
14 mentioned earlier there might be some danger that --  
15 because we might not know because you only do some -- a  
16 few assessments or -- that's how I understand it.  
17 Thank you, Ms. -- Ms. Chair -- Madam Chair.

18 THE CHAIR: Environment Canada.

19 MR. ASHER: Brian Asher, Environment and  
20 Climate Change Canada. Thank you, Madam Chair. Thank  
21 you for the clarification.

22 Regarding the impact of NO2, it is understood that  
23 NO2 -- and I won't go into too much detail because this  
24 is my colleague Paul's territory, but it's -- it's  
25 understood that NO2 is a non-threshold contaminant,  
26 meaning that there is no established safe level of NO2.

1 Any reduction that can be made for NO2 in terms of  
2 exposure, if you can reduce it, you'll have a health  
3 benefit.

4 We do have an idea of what the potential NO2  
5 concentrations are going to be based on the proponent's  
6 modelling. So it's not a total guess. We -- we have a  
7 sense of what the concentrations will be. In  
8 Environment and Climate Change Canada's view, it is  
9 good practice to confirm those model predictions with  
10 real measurements, and in our opinion, those real  
11 measurements would be in the form of continuous NO2  
12 monitoring because there has not been adequate  
13 justification or there hasn't been adequate evidence to  
14 show that the passive monitoring will be adequate in  
15 terms of informing adaptive management and informing  
16 the -- also it won't be able to be used effectively to  
17 confirm the predictions that were made in the  
18 modelling. So that's generally why we're asking for  
19 the continuous monitoring. Thank you.

20 THE CHAIR: Phillip.

21 MR. KADLUN: Thank you. Phillip Kadlun.

22 The question I have is use of explosives, whether  
23 it's an open pit and/or -- or underground. Have you  
24 done any studies what kind of effect it would have on  
25 the environment, meaning on the land and on the --  
26 nearby lakes and -- and on human health? The reason I

1 use -- ask you about the underground part is because  
2 there will be continuous air exchange in that they may  
3 be blasting underground in that -- whatever -- whatever  
4 is in the explosion will come out into the air from --  
5 from the -- from the tunnel. And I'm wondering whether  
6 there -- there are any studies done in terms of  
7 cumulative effects around the vicinity of the mine, be  
8 it on the open pit or on the -- on underground.

9 (OTHER LANGUAGE SPOKEN), Madam Chair.

10 THE CHAIR: So I'll flag those two  
11 questions for Health Canada. If you can comment on  
12 Guy's question and Phillip's question after your  
13 presentation on the human health -- human health  
14 impacts.

15 Environment and Climate Change Canada.

16 MR. ASHER: Brian Asher, Environment and  
17 Climate Change Canada. Thank you, Madam Chair. Thank  
18 you for the question.

19 The proponent did include blasting in their air  
20 quality model as an input into the model. So in our  
21 view, the -- the blasting was taken into account in  
22 terms of impacts to air.

23 For clarity, blasting is a contributor to nitrogen  
24 dioxide, but in our view, it has been adequately  
25 included in the air quality model. Thank you.

26 THE CHAIR: Thank you. Moving on to the

1 next item on the agenda, presentation from Health  
2 Canada.

3 Legal counsel.

4 MS. MEADOWS: Thank you, Madam Chair.  
5 Teresa Meadows, legal counsel for the Nunavut Impact  
6 Review Board.

7 If I can have the witness state and spell his name  
8 for the record, please.

9 MR. PARTRIDGE: Paul Partridge, P-A-U-L  
10 P-A-R-T-R-I-D-G-E.

11 MS. MEADOWS: Thank you, Madam Chair.  
12 Teresa Meadows, legal counsel for the Nunavut Impact  
13 Review Board.

14 Do you wish to be sworn or affirmed?

15 MR. PARTRIDGE: Affirmed.

16 PAUL PARTRIDGE, Affirmed

17 MS. MEADOWS: Thank you. Teresa Meadows,  
18 legal counsel for the Nunavut Impact Review Board.

19 I have six additional exhibits to file in  
20 association with this presentation, being the  
21 presentation materials from Health Canada in English,  
22 Inuktitut, and French, and also the summary of their  
23 technical review comments as well in English,  
24 Inuktitut, and French. And I propose to file those as  
25 the next six exhibits in this public hearing, and those  
26 are my procedural matters, Madam Chair.

1 EXHIBIT 48 - Hard Copy PowerPoint  
2 Presentation Health Canada Presentation to  
3 the NIRB for the Whale Tail Pit Expansion  
4 Project (English)

5 EXHIBIT 49 - Hard Copy PowerPoint  
6 Presentation Health Canada Presentation to  
7 the NIRB for the Whale Tail Pit Expansion  
8 Project (Inuktitut)

9 EXHIBIT 50 - Hard Copy PowerPoint  
10 Presentation Health Canada Presentation to  
11 the NIRB for the Whale Tail Pit Expansion  
12 Project (French)

13 EXHIBIT 51 - Hard Copy Executive Summary of  
14 Technical Review Comments Health Canada  
15 (English)

16 EXHIBIT 52 - Hard Copy Executive Summary of  
17 Technical Review Comments Health Canada  
18 (Inuktitut)

19 EXHIBIT 53 - Hard Copy Executive Summary of  
20 Technical Review Comments Health Canada  
21 (French)

22 THE CHAIR: You may proceed with your  
23 presentation.

24 Presentation by Health Canada

25 MR. PARTRIDGE: Health Canada, Paul Partridge.  
26 Good afternoon, Madam Chair, members of the Board,

1 Elders, community members of Baker Lake and -- in the  
2 audience, and all other hearing participants.

3 Thank you for the opportunity to present Health  
4 Canada's view on the environmental assessment review of  
5 the proposed Whale Tail Pit project or "WTPE". My name  
6 is Paul Partridge. I am a regional environmental  
7 assessment specialist for Health Canada. I will be  
8 presenting information on the nature of Health Canada's  
9 review and areas of expertise for this project.

10 To begin, here is an out -- here is the outline of  
11 Health Canada's presentation today. I will be speaking  
12 about the nature of Health Canada's review and areas of  
13 knowledge, expertise, and limitations and Health  
14 Canada's recommendations with regard to the WTPE  
15 project. Specifically, these recommendations focus on  
16 air quality health effects and contamination of  
17 traditional foods.

18 Health Canada is responsible for helping Canadians  
19 maintain and improve their health. One way this is  
20 done is through participating in federal review  
21 processes of major development and infrastructure  
22 projects. Health Canada provides expertise and  
23 knowledge of project propose -- sorry, proposed  
24 projects' impacts to human health and makes  
25 recommendations to reduce the risk from these projects.

26 In general, Health Canada provides comments on the



1 accuracy, scientific validity, and completeness of  
2 conclusions concerning human health effects, the  
3 suitability of actions that may be taken to help  
4 mitigate the health impacts of the project, the  
5 appropriateness of proposed follow-up action or  
6 programs to help reduce risks to human health.

7       When reviewing environmental assessments, Health  
8 Canada does not audit the proponent's models and  
9 assumes that the modelling yields correct results. And  
10 I'd like to emphasize that Health Canada does not make  
11 any decisions or issue any licences, permits, or  
12 authorizations in relation to the projects in the  
13 environmental assessment context. Lastly, in the  
14 environmental assessment context, Health Canada does  
15 not offer comments on occupational health or on  
16 socioeconomic impacts.

17       Throughout the environmental assessment of this  
18 project, Health Canada reviewed all human health  
19 relevant aspects of the addendum to the final  
20 environmental impact statement or "FEIS", the  
21 proponent's response to information requests and  
22 technical comments. The items that we reviewed include  
23 air quality, for which we considered potential  
24 contaminants in ambient air from predicted  
25 project-related impacts; traditional foods, for which  
26 we considered potential contaminants in traditional

1 foods from predicted project-related impacts; noise,  
2 for which we consider the effects of noise from  
3 predicted project-related impacts; water quality, for  
4 which we consider potential contamination of  
5 recreational and drinking water quality from  
6 project-related impacts. However, this presentation  
7 and our written submission focuses only on air quality  
8 and traditional foods, as Health Canada has noted that  
9 outstanding concerns remain in these two specific  
10 areas. Health Canada considered comments from the  
11 Kivalliq Inuit Association, the Baker Lake Hunters and  
12 Trappers Organization, the Government of Nunavut, the  
13 communities and others to inform the department's  
14 review -- I apologize for not advancing the slides --  
15 to inform the department's review provided in our  
16 written submission NIRB Document Number 326119 and  
17 summarized in the slides that follow.

18 Everyone is exposed to air pollution. Air  
19 pollution, even at low levels, has an impact on human  
20 health. Science has clearly showed that air pollution  
21 can lead to disease, lung and heart issues, and even  
22 premature death. Health Canada reviewed the documents  
23 provided by the proponent as well as comments by other  
24 groups to examine risk of human health -- or to human  
25 health from exposure to air pollutants using various  
26 tools, guidelines, and standards.

1           Health Canada compares current air quality before  
2   the project exists to predicted future air quality  
3   conditions with the project and examines how  
4   individuals or populations may be affected.

5           The Canadian Ambient Air Quality Standards or  
6   "CAAQS" are health and environment based environmental  
7   quality guidelines established under the Canadian  
8   Environmental Protection Act of 1999, also known as  
9   "CEPA". The CAAQS are a benchmark which the Government  
10   of Canada and provincial and territorial governments  
11   can use to inform risk management decisions, as well as  
12   report on progress to reduce health in environmental  
13   health effects or environmental effects of air  
14   pollution. In 2020 and 2025, the new CAAQS for  
15   short-term and long-term exposure to NO<sub>2</sub> will come into  
16   effect. These were published in the Canadian Gazette  
17   on December 9th, 2017.

18          Nitrogen dioxide or "NO<sub>2</sub>" is a gas that is mainly  
19   released from combustion sources such as diesel  
20   engines. Health Canada considers NO<sub>2</sub> to be a  
21   non-threshold, meaning that health effects may occur at  
22   any level of exposure. Both short-term and long-term  
23   exposure to NO<sub>2</sub> has been associated with respiratory  
24   effects, including reduced lung function and the  
25   development of asthma and allergic responses. Everyone  
26   is at risk; however those with pre-existing respiratory

1 conditions such as children with asthma are more  
2 sensitive to the effects of NO2 and other air  
3 pollutants.

4 NO2 concentrations are expected to increase with  
5 the proposed Whale Tail Pit expansion, and predicted  
6 concentrations are likely to exceed the one-hour CAAQS  
7 for NO2. In order to collect suitable NO2 measurements  
8 including measurements for a one-hour average time that  
9 can be evaluated against the CAAQS, continuous monitors  
10 should be used, and Health Canada encourages the use of  
11 continuous monitoring of air contaminants when  
12 exceedances or near exceedances of the CAAQS are  
13 predicted.

14 Health Canada has an issue with the proponent's  
15 current approach of passive sampling for NO2. Health  
16 Canada encourages the use of continuous monitoring for  
17 air contaminants when exceedances or near exceedances  
18 of the CAAQS are likely, as passive NO2 sampling only  
19 allows for measurement of 24-hour or annual average  
20 concentrations. Continuous measurement allows for  
21 one-hour averaging to be evaluated against the CAAQS.

22 Polyaromatic [sic] hydrocarbons, "PAHs", and  
23 petroleum hydrocarbons, "PHCs", were not considered in  
24 the health risk assessment. The PAHs are fuel-like  
25 substances naturally found in the environment, but they  
26 are also released during combustion emissions such as

1 from engines, diesel generators, power generation, and  
2 even campfires or barbecues. Many PAHs are  
3 carcinogenic, meaning that, over time, human exposure  
4 to PAHs can lead to cancer. People are typically  
5 exposed to PAHs by breathing them in or by eating them  
6 when they're on food such as foods charred over a  
7 barbecue. PAHs and PHCs were not included as a  
8 potential contaminant by the proponent for this  
9 project.

10 Health Canada received information from the  
11 proponent on August 23rd which further explains the  
12 exclusion of PAHs and PHCs as a chemical of potential  
13 concern in their health risk assessment. The Board's  
14 consideration of Health Canada's recommendation 3.1-2  
15 is no longer suggested.

16 Most effects from iron inhalation are hard to  
17 separate from exposure to other chemicals, making it  
18 difficult to isolate iron as a cause of adverse health  
19 effects such as cancer. However, Ontario Ministry of  
20 the Environment, Conservation and Parks has a  
21 health-based standard of 4 micrograms per metre cubed.  
22 Effects of iron inhalation on humans is currently  
23 unknown. Health Canada is supportive of a  
24 precautionary approach where individuals may be at  
25 increased risk of iron inhalation. Health Canada is  
26 satisfied with the proponent's August 9th response and

1 its consideration of health risks from iron and air.  
2 The Board's consideration of Health Canada's  
3 recommendation 3.1-2 is no longer suggested.

4 Traditional foods, also known as "country foods",  
5 are considered to be food sourced outside of the  
6 commercial food chain. This includes any food that is  
7 trapped, fished, hunted, harvested, or grown for  
8 subsistence or medicinal purposes.

9 Arsenic may increase in areas that are impacted by  
10 the project such as in the environment surface water,  
11 as well as in fish. However, there is uncertainty  
12 about the potential for increased risk to human health  
13 from arsenic in areas impacted by the project. Health  
14 Canada suggests arsenic -- an arsenic monitoring  
15 program should be implemented, and predicted arsenic  
16 concentrations in fish are lower than the typical  
17 arsenic concentrations available on the Canadian  
18 market; however, the project may be a possible source  
19 of inorganic arsenic, which is the toxic form of  
20 arsenic and has the potential to increase levels in the  
21 environment and in fish. If inorganic arsenic  
22 concentrations in fish exceed those predicted by the  
23 proponent -- that is, assuming 10 percent total arsenic  
24 concentration is inorganic -- the potential impact to  
25 human health may need to be reassessed.

26 Health Canada received information from the

1   proponent in their final written response August 9th,  
2   as well as some additional information on August 23rd  
3   which clarified how the project is currently monitoring  
4   arsenic in the environment. Health Canada recommends  
5   that the existing arsenic monitoring and surface water  
6   and soil be used to ensure the predictions of arsenic  
7   in the environment and in fish tissue are not  
8   underestimated. If concentrations are higher than  
9   predicted, then further analysis and mitigation may be  
10   required. If fish in the area is frequently caught and  
11   eaten or if fishing is expected to increase as a result  
12   of the project, Health Canada also recommends  
13   monitoring for inorganic arsenic in fish tissue to  
14   confirm predictions because the nature of the project  
15   may cause increases of inorganic arsenic.

16       Thank you. This concludes our presentation.

17   THE CHAIR:                   Questions to Health Canada  
18   from KIA?

19   MR. MANZO:                   Luis Manzo, Kivalliq Inuit  
20   Association. Thank you, Madam Chair. No questions.

21   THE CHAIR:                   Baker Lake Hunters and  
22   Trappers Organization.

23   MR. AKSAWNEE:                Thank you, Madam Chair.  
24   Richard Aksawnee, Baker Lake Hunters and Trappers. No  
25   Questions.

26   THE CHAIR:                   Government of Nunavut.

1 MR. PINKSEN: Thank you, Madam Chair. Steve  
2 Pinksen, Government of Nunavut. We have no questions.

3 THE CHAIR: CIRNAC.

4 MR. DEWAR: Thank you, Madam Chair.  
5 Spencer Dewar, Crown-Indigenous Relations and Northern  
6 Affairs Canada. No questions.

7 THE CHAIR: Environment Canada.

8 MS. PINTO: Thank you, Madam Chair.  
9 Melissa Pinto, Environment and Climate Change Canada.  
10 We have no questions at this time.

11 THE CHAIR: Fisheries and Oceans Canada.

12 MR. D'AGUIAR: Thank you, Madam Chair. Mark  
13 D'Aguiar with Fisheries and Oceans Canada. Thank you  
14 for your presentation. We have no questions.

15 THE CHAIR: NRCan.

16 MR. UNGER: Peter Unger, Natural Resources  
17 Canada. Thank you, Madam Chair. No questions.

18 THE CHAIR: Agnico Eagle.

19 MR. QUESNEL: Thank you, Madam Chair. Jamie  
20 Quesnel, Agnico Eagle.

21 We just need a couple of minutes to finalize a few  
22 questions. I'm wondering if we could just have two to  
23 three minutes?

24 THE CHAIR: Let's take a 15-minute break.

25 MR. QUESNEL: Okay. Thank you.

26 (ADJOURNMENT)



1 THE CHAIR: Let's continue. Questions for  
2 Health Canada from Agnico Eagle.

3 Agnico Eagle Mines Limited Questions Health Canada

4 MR. QUESNEL: Thank you, Madam Chair. Jamie  
5 Quesnel, Agnico Eagle.

6 Just for some -- some clarification on, I think,  
7 it's slide -- is it 11 -- on Slide 11 regarding the  
8 petroleum hydrocarbons and -- all hydrocarbons, as we  
9 provided additional information related to that, it is  
10 our understanding that item is resolved. Is that  
11 correct?

12 THE CHAIR: Health Canada.

13 MR. PARTRIDGE: Paul Partridge, Health Canada.

14 That is correct. Health Canada considers that to  
15 be resolved.

16 THE CHAIR: Agnico Eagle.

17 MR. QUESNEL: Thank you, Madam Chair. Jamie  
18 Quesnel, Agnico Eagle.

19 Slide -- on Slide 15, I just wanted some  
20 clarification just based on our discussion and the  
21 information that was provided to Health Canada  
22 regarding the environmental effects monitoring program  
23 that we have established at the Whale Tail project  
24 which would continue if we do receive approval for the  
25 expansion project. But based on our discussion and the  
26 review of that program and dealing with the fish

1 studies that would be completed as part of that  
2 program, do you consider this item related to arsenic  
3 result?

4 THE CHAIR: Health Canada.

5 MR. PARTRIDGE: Paul Partridge, Health Canada.

6 Yes. Based on our conversations and the  
7 identification of fish tissue monitoring as part of the  
8 aquatic effects monitoring plan looking at arsenic, as  
9 long as that's occurring to confirm the results of --  
10 of the model, then that -- that would be acceptable to  
11 us, for sure. Thank you.

12 THE CHAIR: Agnico Eagle.

13 MS. KOWBEL: Just one moment, Madam Chair.

14 Thank you.

15 MR. QUESNEL: Thank you, Madam Chair. Jamie  
16 Quesnel, Agnico Eagle.

17 So just based on Health Canada's presentation -- a  
18 question for Paul, just dealing with the issue of NO<sub>2</sub>,  
19 is this something that you would consider not a big  
20 concern for hunters in the area? Would that be a  
21 correct assumption?

22 THE CHAIR: Health Canada.

23 MR. PARTRIDGE: Paul Partridge from Health  
24 Canada.

25 The information available related to NO<sub>2</sub> indicates  
26 that there -- there are some potential health effects

1     that occur with various levels of exposure related to  
2     things like a little shortness of breath or -- or  
3     possibly asthma at certain levels.

4             With regards to this specific project and the  
5     levels that have been projected, we were interested in  
6     taking a look at monitoring to confirm levels for  
7     things like one-hour exposure to ensure that any of  
8     those risks are considered in any management decisions  
9     for the project and that the -- the population as a  
10    whole is -- is -- is in a better state.

11            The guidelines for the -- the CAAQS are set up as  
12    a -- as a population-based guideline to try and improve  
13    quality of -- of -- of things and reduce adverse  
14    effects or potential adverse health risks. So I think  
15    that -- that -- it -- if we can look at something like  
16    that, then we would be able to -- yeah.

17    THE CHAIR:                   Agnico Eagle.

18    MR. QUESNEL:                Thank you, Madam Chair. Jamie  
19    Quesnel, Agnico Eagle.

20            As the Whale Tail Pit project was approved  
21    approximately 17 months ago and approved by Health  
22    Canada and based on the comments made from Health  
23    Canada today, in Agnico Eagle's assessment, are you  
24    comfortable traditional foods can be consumed and  
25    enjoyed in the project area?

26    MR. PARTRIDGE:              Paul Partridge from Health

1 Canada.

2 Yes. Based on the results of the assessment that  
3 have been put forward, there's no unacceptable risks  
4 that were identified from -- from the -- the health  
5 risk assessments that were put forward.

6 THE CHAIR: Agnico Eagle.

7 MR. QUESNEL: Thank you, Madam Chair. Jamie  
8 Quesnel, Agnico Eagle.

9 My final question and as an overall comment on  
10 this presentation. Other than the sampling  
11 methodology, we have -- we have found a path forward in  
12 all the other issues. Would that be correct?

13 THE CHAIR: I listen for the  
14 interpretation, so just please wait until I say your  
15 name before you speak.

16 Health Canada.

17 MR. PARTRIDGE: Paul Partridge, Health Canada.

18 Yes. With the exception of the NO2 monitoring  
19 methodology, I think we've resolved all of the --  
20 the -- the issues or -- or outstanding issues Health  
21 Canada had.

22 THE CHAIR: Agnico Eagle.

23 MR. QUESNEL: Thank you, Madam Chair. Jamie  
24 Quesnel, Agnico Eagle.

25 Those are all our questions. Thank you.

26 THE CHAIR: NIRB staff.

1 MR. BARRY: Thank you, Madam Chair. Ryan  
2 Barry, Nunavut Impact Review Board staff.

3 Actually, that last exchange answered the  
4 questions from the board staff, so we have no  
5 questions, and I appreciate the attendance and  
6 participation of Health Canada.

7 THE CHAIR: NIRB Board. Uriash.  
8 Nunavut Impact Review Board Questions Health Canada

9 MR. PUQIQNAK: Thank you, Madam Chair.  
10 Uriash Puqignak, NIRB Board member.

11 I wonder if you could give me some clarification  
12 with regards to country food and -- and to fish.  
13 There -- you had spoken about a threshold of  
14 10 percent. Assuming 10 percent of the total arsenic  
15 concentration is inorganic, there is a lab that you  
16 send the -- can -- what is the total? How are you  
17 assuming that 10 percent is the total arsenic  
18 concentration? Is that a threshold? Can you elaborate  
19 on that a little bit more so that we can get some more  
20 clarification? Page 14.

21 THE CHAIR: Health Canada.

22 MR. PARTRIDGE: Thank you very much for your  
23 question. Paul Partridge, Health Canada.

24 10 percent of total arsenic, being arsenic, is a  
25 fairly standard -- sorry. 10 percent inorganic  
26 arsenic, as part of total arsenic, is -- is a standard

1     that's used and applied. It generally represents  
2     natural composition of inorganic arsenic in a sample of  
3     arsenic.

4     THE CHAIR:                     Uriash.

5     MR. PUQIQNAK:                 Thank you. Uriash, NIRB Board  
6     member.

7             This is a total 10 percent. We can continue to  
8     eat country food, fish anything that's -- we can hunt  
9     and trap. Health Canada, has there been studies done  
10    on country food, traditional foods, that are considered  
11    to be food? Has -- has there been any studies done as  
12    to how much concentration of different chemicals there  
13    are in the country food that's harvested out there and  
14    for medicinal purposes?

15    THE CHAIR:                     Health Canada.

16    MR. PARTRIDGE:                 Health Canada, Paul Partridge  
17    speaking.

18             I will defer to AEM to speak to the extent of  
19    their risk assessment. I will mention that they did  
20    consider wildlife, as well as specifically aquatic  
21    fish, that would be impacted by the project site, but  
22    if that's acceptable, then I think they're in a better  
23    position to speak to the risk assessment.

24    THE CHAIR:                     Agnico Eagle.

25    MS. AMENDOLA:                 Thank you, Madam Chair.  
26    Andrea Amendola, Golder Associates.

1           To answer the question about country foods and if  
2   they're safe to eat and if there have been studies on  
3   country foods, there have been many studies of country  
4   foods in terms of both consumption, as well as uptake  
5   of contaminants into country foods, so into the food  
6   that people will eat.

7           That kind of information was included in the risk  
8   assessment. So when we looked at the changes in  
9   concentrations in the environment, we use that  
10   information to help us understand what people would be  
11   exposed to, and -- and looking in the risk assessment,  
12   that told us that -- that country foods continued to be  
13   safe to eat. Thank you.

14   THE CHAIR:                   Before Environment and Climate  
15   Change Canada was doing their presentation, there were  
16   some questions from board members.

17           Health Canada, do you have a response to Phillip's  
18   question?

19   Response to Deferred Questions by Health Canada

20   MR. PARTRIDGE:               Thank you, Madam Chair. Paul  
21   Partridge, Health Canada.

22           I'm going to have to apologize. I -- I want to  
23   make sure I'm correct here, and I have mis -- misput  
24   the question for the wrong individual, I do apologize,  
25   Phillip. If I -- if -- could I perhaps have the  
26   question repeated?

1 THE CHAIR: Phillip.

2 MR. KADLUN: (OTHER LANGUAGE SPOKEN), Madam  
3 Chair. Phillip Kadlun, Nunavut Impact Review Board.

4 My question was the use of explosives, whether  
5 it's in the open pit or underground. I was wondering  
6 if there were any assessments or studies that might  
7 indicate whether the use of explosives can be -- how  
8 you might say, that's a health hazard to the humans.

9 (OTHER LANGUAGE SPOKEN), Madam Chair.

10 THE CHAIR: Health Canada.

11 MR. PARTRIDGE: Thank you very much for that  
12 clarification. Health Canada, Paul Partridge speaking.

13 With regards to -- to the explosives and the  
14 assessment of potential health risk associated with the  
15 blasting material coming out, I'll emphasize what my  
16 colleague from Environment Canada had mentioned, that  
17 the -- the modeling that was done for air quality  
18 included blasting, and that information was fed into  
19 the health risk assessment in order to take a look at  
20 potential health risks associated with exposure to  
21 chemicals in the air, and the assessment indicated that  
22 there were no risks that -- that would be of -- of  
23 significant concern.

24 THE CHAIR: Phillip.

25 MR. KADLUN: (OTHER LANGUAGE SPOKEN), Madam  
26 Chair. Phillip Kadlun, Nunavut Impact Review Board.



1           Not only on the humans but, also, on wildlife as  
2   well, and I would like -- and, also, I would like to  
3   get an answer from -- from the proponent, whether there  
4   are studies related to use of explosives in terms of  
5   what it might cost on the environment, meaning on the  
6   land and nearby lakes as well around the -- the -- the  
7   mine site. (OTHER LANGUAGE SPOKEN), Madam Chair.

8   THE CHAIR:                   Health Canada.

9   MR. PARTRIDGE:               Paul Partridge, Health Canada.

10           I'm probably not the best person to speak to  
11   the -- the impacts on -- on wildlife from blasting and  
12   blasting studies. I -- if it's all right, I wouldn't  
13   mind deferring that possibly to the proponent to speak  
14   to that aspect.

15   THE CHAIR:                   Agnico Eagle.

16   MS. AMENDOLA:               Thank you, Madam Chair.

17   Andrea Amendola, Golder Associates.

18           Just to expand a bit on the NO2 from blasting,  
19   we -- we did in the final environmental impact  
20   assessment use a very conservative approach where we  
21   looked at the blasts happening every hour. This is not  
22   realistic in terms of how the mine will operate. So  
23   the approach that we took was very conservative, and  
24   the -- the information that we used to interpret those  
25   predictions consider effects to vegetation from  
26   blasting. So that's included in all of the information

1 that was reviewed. Thank you.

2 THE CHAIR: Catherine.

3 Nunavut Impact Review Board Questions Health Canada

4 MS. EMRICK: Thank you, Madam Chair.

5 Catherine Emrick, NIRB Board member.

6 I understand from the exchange that there's been  
7 agreement on proceeding with the inorganic arsenic  
8 monitoring in fish. I'm just wondering if you could  
9 clarify for me -- and I appreciate your patience on  
10 this -- what has changed from Slide 15? If you could  
11 just go over with me what is being implemented. Thank  
12 you.

13 THE CHAIR: Health Canada.

14 MR. PARTRIDGE: Thank you for the question.

15 Paul Partridge, Health Canada.

16 So a number of things have changed -- I shouldn't  
17 say "changed", but the proponent was able to, in their  
18 final response from August 9th, provide a list of  
19 monitoring plans that indicated that monitoring was  
20 occurring in sediment and in water for arsenic  
21 specifically. It wasn't highlighted as part of the  
22 HHRA, but being able to draw that connection was  
23 important for us, and that was the first portion of our  
24 question or request related to making sure that we had  
25 a method of being able to appropriately monitor the  
26 concentrations in environmental media.

1           And the second portion relates to confirming the  
2 predictions for the uptake of arsenic from the water  
3 and the environment into the fish based on the results  
4 that were put forward by the company. To be very  
5 clear, health -- the company uses a bioconcentration  
6 factor that predicts no risk with the consumption of  
7 fish at the site. The prediction that comes out is  
8 actually better than the -- the Canadian market values,  
9 and so we wanted to confirm that the levels that are  
10 being predicted are the actual levels that are being  
11 observed.

12           And -- and what's been clarified during  
13 discussions is that there is actual monitoring of fish  
14 tissue for inorganic arsenic as part of the -- the --  
15 the monitoring program. I believe it's on a one and  
16 every three years, and that should be sufficient, I  
17 think, to confirm that the model's predictions are  
18 accurate. And if not, then there would be an  
19 opportunity to examine how that might change things.

20 THE CHAIR:                   Catherine.

21 MS. EMRICK:                 Yes. Thank you, Madam Chair.

22           Thank you.

23 THE CHAIR:                   We also had a deferred  
24 question from Guy.

25           Guy.

26 MR. ALIKUT:                 Yes. Thank you, Madam Chair.

1 Guy Alikut, NIRB Board member.

2 I had a question with regards to Environment  
3 Canada, and I was deferred to ask this question to  
4 Health Canada. Sometimes there are low concentrations  
5 of some of the things that are being monitored or  
6 tested. How -- why is there some uncertainty to  
7 increased risk to human health? You were speaking to  
8 puck. You had said that it was almost -- almost hard  
9 to predict and hard to monitor.

10 THE CHAIR: Health Canada.

11 Response to Deferred Questions by Health Canada

12 MR. PARTRIDGE: Thank you. Thank you, Guy.

13 Paul Partridge, Health Canada.

14 With regards to the predictions, I think Brian  
15 said it best, but I -- I will talk about the idea that  
16 we have both the Nunavut Ambient Air Standards, as well  
17 as the Canadian Ambient Air Standards make use of a  
18 one-hour average in -- in considering concentrations  
19 of -- of NO2 in the environment.

20 And the use of continuous monitoring would provide  
21 that information for one-hour averaging, whereas the  
22 passive monitoring would only provide 24-hour, 30-day  
23 averages from my understanding, but I'll defer to  
24 Environment Canada to -- to speak more to the -- the  
25 monitoring aspects or technology, if that's all right.

26 THE CHAIR: Guy.

1 MR. ALIKUT: Thank you.

2 Yes. It's more clear. The equipment -- that  
3 equipment that's being used and the instruments that  
4 are being used, sometimes the instruments are -- are --  
5 may be -- may not be -- maybe they're inaccurate at  
6 times.

7 My second question is to -- to -- well, CIRNAC is  
8 reporting directly to -- to you, to the mining company.  
9 Who can make it more information? We are not -- I had  
10 asked KIA: Who do they report to, and what types of  
11 reporting -- or how do you disseminate information? We  
12 need to know if there are maybe potential risks at  
13 times. We need to know who is going to disseminate  
14 information should there be a risk or a potential risk.

15 THE CHAIR: Health Canada.

16 MR. PARTRIDGE: Thank you, again, for that  
17 question. Paul Partridge from Health Canada.

18 With regards to information sharing, I -- I can't  
19 speak to all the aspects of the companies approached to  
20 engage in communities through various community  
21 organizations, but there is reporting that occurs, as  
22 part of project certificates, to take a look at things  
23 like the monitoring, and Health Canada does participate  
24 in those reviews to take a look and provide whatever  
25 expertise or support it can in the review of that  
26 material to ensure that the best possible decisions

1 can -- can benefit from the information available.

2 Nunavut Impact Review Board Questions Health Canada

3 THE CHAIR: Going back to the presentation

4 that you gave when you talked about frequency in

5 harvesting and the risk to exposure to contaminants.

6 Can you clarify when you say frequently caught and

7 eaten? What specific values are you referring to as

8 "frequent"? Like, every day, your primary diet, once a

9 month? Can you clarify what you mean when you say

10 "frequently"?

11 Health Canada.

12 MR. PARTRIDGE: Paul Partridge from Health

13 Canada.

14 I don't have a specific term for "frequently". I

15 think there's some room for some interpretation on

16 that. I do know that there was some consideration of

17 how frequently individuals who may be in the vicinity

18 of the project area may be harvesting, and that was

19 used for the basis of the health risk assessment

20 which -- which didn't identify any risks with the --

21 the level of consumption in that assessment.

22 THE CHAIR: Thank you for your

23 presentation.

24 Moving on to the -- Agnico Eagle.

25 MR. QUESNEL: Thank you, Madam Chair. Jamie

26 Quesnel, Agnico Eagle.

1           We can provide, if you wish, a little bit more  
2   information based on your question. And, also, to add  
3   a few items related to the board member regarding  
4   the -- the monitoring and sharing information. So I'll  
5   just respond quickly. Based on all our monitoring  
6   information, it's provided in the annual report every  
7   March, and we have all our information related to the  
8   past years monitoring and all the results. So that's  
9   one way we -- we share the information, and that  
10   information's available in our communities. It's  
11   available online. It's available on the Nunavut Impact  
12   Review Board public registry, and I'll just have my  
13   colleague, Andrea, talk about the duration.

14   MR. AMENDOLA:                   Thanks, Jamie.

15           Andrea Amendola, Golder Associates.

16           So with respect to the duration of country food  
17   consumption, so what we were looking at in the risk  
18   assessment was based upon traditional knowledge and  
19   consultation, information for the area. What we --  
20   what we knew about the area and what we understood from  
21   those consultations was that people are generally not  
22   using the area very often for hunting, trapping,  
23   catching, or fishing activities these days.

24           With that in mind, we still looked at potential  
25   exposure for visitors of the area for brief periods of  
26   time, and for that, I mean two weeks per year over the

1 course of a lifetime of exposure to country foods and  
2 fish in the area. So -- oh, sorry. A correction.  
3 "Lifetime", I should correct that to say 60 years,  
4 which is the life of the project.

5 THE CHAIR: So to clarify, your -- the  
6 model that you predicted where there's no impacts to  
7 health from consumption of country food in the --  
8 within the project area is based on 60 years eating  
9 food from that area, 14 days over 60 years? Can you  
10 clarify?

11 MS. AMENDOLA: Thank you, Madam Chair.

12 Assuming that every year for 60 years a person can  
13 be eating fish or country foods for 14 days, so 14 days  
14 every year, every 365 days for 60 years.

15 THE CHAIR: Thank you for that  
16 clarification.

17 Moving on to the next item on the agenda, a  
18 presentation from Fisheries and Oceans Canada.

19 Legal counsel.

20 MS. MEADOWS: Thank you, Madam Chair.

21 Teresa Meadows, legal counsel for the Nunavut Impact  
22 Review Board.

23 If I can have the witnesses state and spell their  
24 names for the record, please.

25 MR. JANOWICZ: Thank you.

26 Marek Janowicz, M-A-R-E-K J-A-N-O-W-I-C-Z.



1 MR. D'AGUIAR: Mark D'Aguiar, M-A-R-K 'D',  
2 apostrophe, A-G-U-I-A-R.

3 MR. TRACZ: Boyan Tracz, B-O-Y-A-N  
4 T-R-A-C-Z.

5 MS. MEADOWS: Thank you, Madam Chair.  
6 Teresa Meadows, legal counsel for the Nunavut Impact  
7 Review Board.

8 Do the witnesses wish to be sworn or affirmed?

9 MR. JANOWICZ: Marek Janowicz, affirmed.

10 MR. D'AGUIAR: Mark D'Aguiar, affirmed.

11 MR. TRACZ: Boyan Tracz, affirmed.

12 MAREK JANOWICZ, MARK D'AGUIAR, BOYAN TRACZ, Affirmed

13 MS. MEADOWS: Thank you.

14 Thank you, Madam Chair. Teresa Meadows, legal  
15 counsel for the Nunavut Impact Review Board.

16 Madam Chair, I have hard copies of the  
17 presentation materials that will be presented by  
18 Fisheries and Oceans Canada here today, and I propose  
19 to mark those as the next exhibits in this public  
20 hearing, and those are my procedural matters.

21 EXHIBIT 54 - Hard Copy PowerPoint  
22 presentation of Fisheries and Oceans Canada  
23 on Agnico Eagle Mines Limited's Whale Tail  
24 Pit Expansion Project (English)

25 EXHIBIT 55 - Hard Copy PowerPoint  
26 presentation of Fisheries and Oceans Canada

1           on Agnico Eagle Mines Limited's Whale Tail  
2           Pit Expansion Project (Inuktitut)  
3           EXHIBIT 56 - Hard Copy PowerPoint  
4           Presentation of Fisheries and Oceans Canada  
5           on Agnico Eagle Mines Limited's Whale Tail  
6           Pit Expansion Project (French)

7   THE CHAIR:                   Thank you.   You may proceed  
8   with your presentation.

9   Presentation by Department of Fisheries and Oceans  
10   Canada

11   MR. JANOWICZ:               Thank you, Madam Chair.   Marek  
12   Janowicz, Fisheries and Oceans Canada.

13           Good afternoon, Madam Chair, members of the -- and  
14   staff of the board, the community of Baker Lake, the  
15   proponent, and other community members joining us here  
16   this week.

17           My name is Mark Janowicz, and I am the original  
18   manager, regulatory review, fish and fish habitat  
19   protection program, central and arctic region,  
20   Fisheries and Oceans Canada.

21           With me is Mark D'Aguiar, senior biologist with my  
22   program, and Bogdan -- Boyan Tracz, a biologist also  
23   with the program.

24           I would like to thank the Nunavut Impact Review  
25   Board for providing Fisheries and Oceans Canada with  
26   the opportunity to present our final written submission

1    comments and recommendations in respects to Agnico  
2    Eagle Mines Limited Whale Tail Pit expansion project  
3    proposal, a proposed amendment to already approved  
4    Whale Tail Pit project.

5            We hope that our comments will be helpful to the  
6    Board by providing expert advice on the potential  
7    impact to fish and fish habitat and marine mammals.

8            In terms of our presentation today, first, I will  
9    provide brief overview of our mandate, applicable  
10   legislation, and policies.

11           Second, I will provide an overview of our final  
12   written submission and recommendations that we provided  
13   to the Nunavut Impact Review Board with regards to  
14   Agnico Eagle Mines Limited Whale Tail Pit expansion  
15   project proposal.

16           And, third, I will present our conclusion.

17           Finally, I will take time to answer any questions  
18   or comments related to our presentations.

19           For the remainder of the presentation, I will also  
20   refer to Fisheries and Oceans Canada as "DFO".

21           The mandate of the -- of Fisheries and Oceans  
22   Canada, fish and fish habitat protection program, is to  
23   maintain the sustainability and ongoing productivity of  
24   commercial, recreational, and Aboriginal fisheries.

25           DFO noticed that this project proposal was  
26   reviewed under this mandate. However, DFO notes that

1 the recently passed Bill C-68, a federal act, has  
2 resulted in changes to the Fisheries Act, and these --  
3 these changes will be discussed in the upcoming slides,  
4 and the changes will occur once the bill comes into  
5 force tomorrow, actually, August 28 of 2018 -- '19.  
6 I'm sorry.

7 Fish and fish habitat protection program is  
8 responsible for ensuring that projects in or near water  
9 are undertaken following the requirements of Fisheries  
10 Act and the Species At Risk Act. Fish and fish habitat  
11 protection program provides, also, guidance to  
12 proponents on how to avoid, mitigate, or offset impacts  
13 to fish and fish habitats. The program is also the  
14 main program of Fisheries and Oceans Canada involved in  
15 the environmental assessment process.

16 DFO notes that the wording on the slide represents  
17 the current Fisheries Act provision for which this  
18 project was reviewed, but, of course, as of August 28,  
19 2019, those provisions will be updated to reflect the  
20 new modernized Fisheries Act.

21 Our regulatory role is defined by the Fisheries  
22 Act, particularly, Section 35, which prohibits serious  
23 harm to fish that are part of a commercial,  
24 recreational, or Aboriginal fishery or to fish that  
25 support such fishery. Serious harm is identified in  
26 the Fisheries Act as the death of fish, permanent

1 alteration of habitat, or destruction of fish habitat.  
2 The Act allows for the Minister of Fisheries and Oceans  
3 to issue a Fisheries Act authorization in order for the  
4 project to proceed.

5 As I mentioned in the previous slides, I will  
6 discuss some of the recent relevant changes to the  
7 Fisheries Act and legislation. Bill C-68 on -- on  
8 February 6th, 2018, the Government of Canada introduced  
9 in parliament Bill C-68, titled: (as read)

10 An Act to Amend Fisheries Act and Other Acts  
11 in Consequence.

12 As of June 21st, 2019, the new modernized Fisheries Act  
13 received royal assent and became law with fish and fish  
14 habitat protection provisions of the new Fisheries Act  
15 coming into force tomorrow, August 28, 2019.

16 I need to note that this coming-into-force date  
17 was announced after the final written submission to the  
18 board, and after our presentation, we were provided,  
19 and as such, it was not reflected in our submission.  
20 Our program continues to prepare for the implementation  
21 of those provisions.

22 The fish and fish habitat protection program, in  
23 effect up until tomorrow, was guided by two policies:  
24 The fisheries protection policy statement and the  
25 fisheries productivity investment policy, a proponent  
26 guide to the offsetting. As of August 28, 2019, the

1 fish and fish habitat provision of the Fisheries Act  
2 associated regulations, and guides will change.

3 DFO has considered the Fisheries Act in its review  
4 to determine what aspect of the project could impact  
5 fish and fish habitat. Our written submission and  
6 recommendation to the board focused on following four  
7 areas: Fish passage, fish bearing status of  
8 watercourses and waterbodies, downstream environment,  
9 and marine mammals observations.

10 In this presentation, DFO will bring to the Board  
11 attention only to the key points recognizing that our  
12 written submission provided complete details.

13 Our first technical comment was related to fish  
14 passage. DFO notes that fish need access to habitat  
15 and the ability to move among habitat types in order to  
16 complete one or more of their life cycles -- life  
17 processes. Sorry. As such, it's important that all  
18 crossings allow for fish passage for all flow scenarios  
19 and all life stages. For fish species, that required  
20 passage to complete their life history processes.

21 DFO notes that Agnico Eagle Mines flow/velocity  
22 calculations that were used to inform culvert sizing  
23 were based on limited historical rainfall data from  
24 years 2016 to 2018. Rather than field base stream flow  
25 data, DFO noted that field base flow measurements  
26 during peak flow events, such as during the freshet,

1     should be used to make final decisions on appropriate  
2     culvert sizing.

3             Therefore, DFO recommended that the proponent  
4     provide site-specific detail to design plans for all  
5     water crossings and provide site-specific flow  
6     information based on field observations and provide  
7     calculations which clearly indicated a percent of fish  
8     expected to pass unimpeded at each water crossing.

9             DFO also recommended that Agnico Eagle Mines  
10    provide additional rationale for use of  
11    15-centimetre-size fish and additional clarification on  
12    how use of 15-centimetre fish accounts for all the fish  
13    for which passage might be a challenge. And another  
14    recommendation, that Agnico Eagle Mines ensure fish  
15    passage requirements are met.

16            In their responses to DFO final written  
17    submission, Agnico Eagle Mines has agreed to those  
18    recommendations and committed to provide the  
19    information to DFO as part of the regulatory review  
20    phase, should the project be approved to proceed by the  
21    Board. DFO is satisfied with this response. DFO will  
22    work with Agnico Eagle Mines during the regulatory  
23    phase to ensure fish passage requirements are met.

24            DFO's next technical comments relates to the fish  
25    bearing status of watercourses and waterbodies. We  
26    noted uncertainty with the fish bearing status of

1 several waterbodies and watercourses resulting from  
2 unclear or inconsistent information among the various  
3 documents provided for the expansion project.

4 We note that it is important to understand and  
5 accurately determine which waterbodies and watercourses  
6 contain fish and fish habitat that have the potential  
7 to be adversely affected by the proposed expansion  
8 project.

9 DFO notes that Agnico Eagle Mines provided updated  
10 results from the 2019 field sampling, field season,  
11 during our July 3rd, 2019, meeting. Lakes A50, A51,  
12 A52, which were previously considered by Agnico Eagle  
13 Mine to not have fish based on 2014 to 2018 field  
14 surveys, were found to contain small-bodied fish,  
15 nine-spine Stickleback based on the 2019 survey.

16 We need to reiterate the assertion that annual  
17 variability in hydrological conditions, for example,  
18 flow, may change a condition such that waterbodies and  
19 watercourses currently viewed as not being fish  
20 bearings may actually be better fishes under certain  
21 conditions, such as high-flow, high-precipitation  
22 years.

23 So DFO recommended to the proponent to update the  
24 consolidated table of all waterbodies and waterways  
25 impacted by project activities with regards to fish and  
26 fish habitat status and areas considered in calculation



1 of habitat losses.

2 In their final written statement response, Agnico  
3 Eagle Mines provided an updated consolidated table.  
4 Agnico Eagle Mines stated the least of waterbodies and  
5 watercourses and their fish bearing status will be  
6 finalized through discussion with DFO during the water  
7 licence amendment process of the project as part of the  
8 Fisheries Act authorization application stage. Data  
9 collected during summer 2019 will also be included in  
10 the final offsetting plan.

11 DFO is satisfied with this -- with this response.  
12 Also, DFO will work with Agnico Eagle Mines during the  
13 regulatory phase, should the project be approved, to  
14 ensure fish and fish habitat impacted by expansion  
15 project activities are adequately accounted for and  
16 offset or compensate.

17 Fisheries and Oceans Canada's next technical  
18 comment related -- is related to the downstream  
19 environment. Agnico Eagle Mine has indicated that a  
20 decrease in water level was expected to occur in  
21 waterbodies downstream of Mammoth Lake, lake --  
22 particularly, Lake A16. DFO requested clarification  
23 respecting the quantification of water level changes  
24 expected rather than the qualitative assessment.

25 DFO notes that it is important to understand and  
26 quantify impact to fish and fish habitat resulting from

1 potential flooding of downstream environments as a  
2 result of Whale Tail Expansion Project.

3 DFO recommended to the proponent that they provide  
4 detailed quantitative information on the changes to  
5 water levels and surface area to downstream waterbodies  
6 and waterways, as requested in DFO Technical  
7 Comment 347.

8 DFO also recommended that the proponent provide an  
9 update per -- that provide an updated quantitative  
10 assessment of impact to all waterbodies associated with  
11 the discharge scenario to D1 and D5, should the  
12 scenario be considered.

13 DFO notes and reiterates the importance of  
14 quantification of impacts. Agnico Eagle Mines in  
15 response to the above, committed to provide the  
16 requested additional information to DFO during the  
17 water licence amendment process of the project and as  
18 part of the Fisheries Act authorization application,  
19 should the project be approved by the board. DFO is  
20 satisfied with the response.

21 DFO final technical comment relate to the marine  
22 mammal observation program. In our final written  
23 submission, DFO noted Nunavut Impact Review Board  
24 reporting of community constants regarding potential  
25 impact of shipping on marine mammals and the change in  
26 distribution.

1 DFO further noted that lack of 2018 marine mammal  
2 observations may indicate that mammal distribution have  
3 changed or that the lack of siting was a function of  
4 ineffective marine mammal monitoring. DFO submits that  
5 appropriate, adequate, and effective marine mammal  
6 monitoring programs are essential to properly assess  
7 the potential negative impacts on marine mammals from  
8 Agnico Eagle Mines' required shipping activities.

9 DFO recommended to proponent that Agnico Eagle  
10 Mines work with DFO and interested parties to improve  
11 the marine mammals and seabird observer program,  
12 including their implementation, training, and potential  
13 improvement that can be made to increase effectiveness.

14 In Agnico Eagle Mine's response to our final  
15 written submission, Agnico Eagle Mine's committed to  
16 comply with Condition 40 of Nunavut Impact Review Board  
17 Project Certificate Number 008 and revise its shipping  
18 management plan in consultation with DFO and  
19 communities and to revise its plans 90 days prior to  
20 shipping activities.

21 Agnico Eagle Mines expressed also that they look  
22 forward to continue working with DFO and other  
23 interested parties to improve the marine mammal  
24 management and monitoring plan.

25 DFO is satisfied with this response and would like  
26 to acknowledge that Agnico Eagle Mine has already

1 initiated conversation with DFO with respect to  
2 training materials and guidelines for marine mammal  
3 observation that could compliment their existing marine  
4 mammals and seabird observation program.

5 DFO acknowledges Agnico Eagle Mine commitment  
6 yesterday to be invited to annual consultation meetings  
7 in communities of -- for example, Chesterfield Inlet as  
8 this will aide discussion how to improve the marine  
9 mammal and seabird observation program. DFO will work  
10 with Agnico Eagle Mines during the regulatory phase,  
11 should the project be approved to proceed, to ensure  
12 marine mammals' monitoring is adequate.

13 In conclusion, Fisheries and Oceans Canada will  
14 continue to work with the proponent and stakeholders,  
15 including potentially affected communities, to ensure  
16 that all constants related to fish passage, fish  
17 habitat status, offsetting and marine mammals are  
18 addressed, and all negative impacts are accounted for  
19 and offset, and appropriate site-specific mitigation  
20 measures, follow-up, and monitoring programs are  
21 implemented.

22 Thank you very much. We are ready to answer  
23 questions.

24 THE CHAIR: Questions to DFO.

25 Kivalliq Inuit Association.

26 MR. MANZO: Luis Manzo, Kivalliq Inuit

1 Association. Thank you, Madam Chair.

2 No questions.

3 THE CHAIR: Baker Lake Hunters and  
4 Trappers Organization.

5 MR. AKSAWNEE: Thank you, Madam Chair.

6 Richard Aksawnee, Baker Lake Hunters and Trappers.

7 No questions.

8 THE CHAIR: Government of Nunavut.

9 MR. PINKSEN: Thank you, Madam Chair. Steve  
10 Pinksen, Government of Nunavut.

11 We have no questions.

12 THE CHAIR: CIRNAC.

13 MR. DEWAR: Thank you, Madam Chair.

14 Spencer Dewar, Crown-Indigenous Relations and Northern  
15 Affairs Canada.

16 No questions.

17 THE CHAIR: Environment Canada.

18 MS. PINTO: Thank you, Madam Chair.

19 Melissa Pinto, Environment and Climate Change Canada.

20 We have no questions.

21 THE CHAIR: Health Canada.

22 MR. PARTRIDGE: Thank you, Madam Chair. Paul  
23 Partridge from Health Canada.

24 We have no questions at this time.

25 THE CHAIR: NRCan.

26 MR. QUINN: Thank you, Madam Chair. Jason

1 Quinn, NRCan.

2 No questions.

3 THE CHAIR: Agnico Eagle Mines Limited.

4 MR. QUESNEL: Thank you, Madam Chair. Jamie  
5 Quesnel, Agnico Eagle.

6 No questions.

7 THE CHAIR: NIRB Board staff.

8 Nunavut Impact Review Board Staff Questions Department  
9 of Fisheries and Oceans Canada

10 MR. BARRY: Thank you, Madam Chair. Ryan  
11 Barry, Nunavut Impact Review Board staff.

12 We do just have a couple of quick questions. The  
13 first one: We're wondering if Fisheries and Oceans  
14 Canada can clarify whether there are any potential  
15 implications for the marine shipping associated with  
16 this proposal which are resulting from your Minister's  
17 recently announced designation of an area of interest  
18 in the waters surrounding in South Hampton Island.

19 Now, we recognize this was just announced  
20 yesterday, so this is putting you on the spot a bit.  
21 You may need to defer, and we also understand that this  
22 is just the first step in the development of a  
23 marine-protected area.

24 However, as the whole of the Chesterfield narrows  
25 and much of proponent's current shipping route has been  
26 included, we are curious of any possible implications

1     that you can identify.

2     MR. JANOWICZ:                    Thank you, Madam Chair.   Marek  
3     Janowicz, Fisheries and Oceans Canada.

4             We're going to have to defer that.   To be honest,  
5     we didn't even hear about that.   Thank you.

6     THE CHAIR:                       NIRB Board staff.

7     MR. BARRY:                       Thank you, Madam Chair.   Ryan,  
8     Nunavut Impact Review Board staff.

9             And thank you.   I can certainly appreciate that.

10            The -- the next question we have is really just a  
11     more general question.   Again, recognizing that both  
12     your department and fish -- or Canadian Coast Guard  
13     have been developing a new arctic region, which is  
14     intended to improve your respective delivery of  
15     services throughout the Canadian arctic.   We're  
16     wondering if you can comment on whether this has any  
17     implications for your department's availability to  
18     participate in the oversight and regulation of this  
19     proposed project, if it could change in any way from  
20     what you currently have been able to do for the  
21     approved project.

22     THE CHAIR:                       Fisheries and Oceans Canada.

23     MR. JANOWICZ:                   Thank you, Madam Chair.   Marek  
24     Janowicz, Fisheries and Oceans Canada.

25            The creation of arctic region, the intention was  
26     to improve the delivery of the programs and almost the

1 point of customizing delivery of the program  
2 recognizing that north is a little bit different place  
3 than the south, and although I don't have any specifics  
4 about that, I can only comment on the intention of this  
5 initiative, and that's pretty much it. Thank you.

6 THE CHAIR: NIRB Board staff.

7 MR. BARRY: Thank you, Madam Chair. Ryan  
8 Barry, Nunavut Impact Review Board staff.

9 And thank you again for that response. I -- I  
10 think we -- we raise this recognizing also that we'll  
11 be going into a community roundtable over the next two  
12 days, and, typically, as some of you have participated  
13 in -- in these events in the past, community members  
14 are often very adept and upfront about bringing forward  
15 concerns in areas that they feel can be improved that  
16 are relevant for the delivery of services by various  
17 government departments.

18 And so I think I'll just leave with the comment  
19 that we would hope to see that any of those comments  
20 that are brought forward could be brought back by  
21 yourselves into your departments -- for your  
22 department's consideration.

23 Thank you, Madam Chair. No further questions.

24 THE CHAIR: Fisheries and Oceans Canada.

25 MR. JANOWICZ: Thank you, Madam Chair. Marek  
26 Janowicz, Fisheries and Oceans Canada.



1           Definitely we're going to be listening to all  
2    comments and ideas tomorrow, and I promise that all  
3    those comments and ideas is going to find -- find its  
4    way to the group of people that are working on  
5    organizing the arctic region. Thank you.

6    THE CHAIR:                   Guy.

7    Nunavut Impact Review Board Questions Department of  
8    Fisheries and Oceans Canada

9    MR. ALIKUT:                 Thank you, Madam Chair. Guy  
10   Alikut, NIRB Board member.

11           The monitors that are going to be aboard the  
12   shipping vessels, where will they be from? Who are  
13   they going to report to if -- should they see mammals  
14   while they're aboard these vessels?

15   THE CHAIR:                   DFO.

16   MR. D'AGUIAR:               Thank you, Madam Chair. Mark  
17   D'Aguiar with Fisheries and Oceans.

18           With respect to the marine mammal observers, I  
19   will defer to Agnico Eagle to currently talk about what  
20   their current plan is for reporting noting that our  
21   intent is to work with Agnico Eagle and other parties,  
22   should this project be approved to -- with an intent to  
23   update and standardize more of the protocols for the  
24   marine mammal observer program.

25   THE CHAIR:                   Agnico Eagle.

26   MS. TURMEL:                 Manon Turmel, Agnico Eagle.

1           So there are two types of monitors. The ones that  
2   are monitoring on a Chesterfield narrows are from both  
3   Baker Lake and Chesterfield Inlet, and the marine  
4   mammals that are on board the ships from the Hudson  
5   strait to Helicopter Island are hired by the shipping  
6   company. So it is with them to identify the best  
7   person to complete the monitoring.

8   THE CHAIR:                   Guy.

9   MR. ALIKUT:                 Thank you. Guy Alikut, NIRB  
10   Board member.

11           Were -- are these people going to be -- where's  
12   the point of hire, and who is going to be the monitors?  
13   Do we know exactly which community are you hiring from?

14   MR. ALIKUT:                 Agnico Eagle.

15   MS. TURMEL:                 Manon Turmel, Agnico Eagle.

16           So for the monitors, in the Chesterfield narrow on  
17   board the barges, we hire through our community liaison  
18   officers, or when we visit Chesterfield Inlet during  
19   our annual visit, we always ask around for interested  
20   people and ask for the monitoring in Hudson Bay. As I  
21   mentioned, it's with the shipping company to decide who  
22   will take part in the monitoring.

23   THE CHAIR:                   Guy.

24   MR. ALIKUT:                 Thank you. Guy, NIRB Board  
25   member.

26           So you -- so a monitor would be hired. Would

1    they -- will there be -- will the person that's hired  
2    as a monitor get on in Montreal, or will they get on in  
3    which of the communities? Where will the starting  
4    point be when they begin to monitor? Where do they  
5    start from?

6    THE CHAIR:                    Agnico Eagle.

7    MS. TURMEL:                  Manon Turmel, Agnico Eagle.

8            So for the monitors for the Chesterfield narrows,  
9    they board the ship in Baker Lake, board the barges, do  
10   the back and forth between Helicopter Island. Just  
11   to -- as a clarity, the mother ship leaves Quebec, goes  
12   all the way to the Chesterfield narrows, and at the  
13   point where it gets too narrow, supply are transferred  
14   into a barge, and the barge go back and forth between  
15   Baker Lake and that area.

16           So the monitor on those barges are boarding in  
17   Baker Lake and going back and forth until the mother  
18   ship is empty. So for this type of monitoring, they  
19   are boarding in Baker Lake, but for the monitoring in  
20   the Hudson Bay, which is a separate process, they would  
21   board -- they are boarding in Becancour or the Montreal  
22   area on the ship, do all the travelling and coming back  
23   to Montreal. So approximately 14 days; 21 days of  
24   travelling.

25   THE CHAIR:                    Guy.

26   MR. ALIKUT:                  Guy Alikut.

1 I finally understood what is said. It's only  
2 between Baker -- I'm not actually -- I wasn't just  
3 asking Baker. I was asking you about Hudson Bay, where  
4 they were coming from. I -- thank you for your answer.

5 THE CHAIR: Moving on to (LOST AUDIO  
6 FEED - OTHER LANGUAGE SPOKEN) presentation from (OTHER  
7 LANGUAGE SPOKEN).

8 Legal counsel.

9 MS. MEADOWS: Thank you, Madam Chair.  
10 Teresa Meadows, legal counsel for the Nunavut Impact  
11 Review Board.

12 If I can have the witnesses state and spell their  
13 names for the record, please.

14 MR. UNGER: Peter Unger, P-E-T-E-R  
15 U-N-G-E-R.

16 MR. QUINN: Jason Quinn, Natural  
17 Resources.

18 J-A-S-O-N Q-U-I-N-N.

19 MS. MEADOWS: Thank you.

20 Teresa Meadows, legal counsel for the Nunavut  
21 Impact Review Board.

22 Do you wish to be sworn or affirmed?

23 MR. UNGER: Peter Unger, Natural Resources  
24 Canada.

25 Affirmed, please.

26 MR. QUINN: Jason Quinn, Natural Resources

1 Canada.

2 Sworn, please.

3 PETER UNGER, Affirmed

4 JASON QUINN, Sworn

5 MS. MEADOWS: Thank you. Teresa Meadows,  
6 legal counsel for the Nunavut Impact Review Board.

7 Madam Chair, I have the presentation materials in  
8 English and Inuktitut for Natural Resources Canada as  
9 well as their executive summaries of their technical  
10 review comments that I will be filing as the next  
11 exhibits in this public hearing.

12 And those are my procedural matters, Madam Chair.

13 EXHIBIT 57 - Hard Copy PowerPoint

14 presentation of Natural Resources Canada on  
15 Agnico Eagle Mines Limited's Whale Tail Pit  
16 Expansion Project (English)

17 EXHIBIT 58 - Hard Copy PowerPoint

18 presentation of Natural Resources Canada on  
19 Agnico Eagle Mines Limited's Whale Tail Pit  
20 Expansion Project (Inuktitut)

21 EXHIBIT 59 - Executive Summary of Technical  
22 Review Comments, Natural Resources Canada  
23 (English)

24 EXHIBIT 60 - Executive Summary of Technical  
25 Review Comments, Natural Resources Canada  
26 (Inuktitut)

1           EXHIBIT 61 - Executive Summary of Technical  
2           Review Comments, Natural Resources Canada  
3           (French)

4   THE CHAIR:                   Thank you. You may proceed  
5   with your presentation.

6   Presentation by Natural Resources Canada

7   MR. UNGER:                   Thank you, Madam Chair.

8           Good afternoon. My name is Peter Unger, and I am  
9   a senior environmental assessment officer with Natural  
10   Resources Canada, also known as "NRCan".

11          Natural Resources Canada has a mandate to enhance  
12   the responsible development and use of natural  
13   resources providing a source of jobs, prosperity, and  
14   opportunity while preserving the environment and  
15   respecting Indigenous peoples.

16          In laboratories and offices from coast to coast to  
17   coast, NRCan leads science and technology in the fields  
18   of earth sciences, energy, forests, and minerals and  
19   metals.

20          Specific to this project, NRCan's role has been to  
21   provide expert advice in the fields of permafrost and  
22   terrain stability and hydrogeology or groundwater as it  
23   relates to the Whale Tail Expansion Project. This  
24   advice has been provided by experts from the Geological  
25   Survey of Canada.

26          I'm going to start with permafrost and terrain

1 stability. Information on terrain and permafrost  
2 conditions is essential to adequately design project  
3 components to ensure that they perform as intended.  
4 NRCan raised four issues on the subject of permafrost,  
5 and I'm going to go through these individually.

6 So as I said, information on terrain and  
7 permafrost conditions is essential to adequately design  
8 project components. In particular, knowledge of ground  
9 ice conditions where thawing could have impacts on  
10 water management, such as dams or dikes.

11 NRCan asked about field investigations conducted  
12 to provide detailed information on permafrost  
13 conditions, such as ground ice content. NRCan also  
14 asked for information on plans to address uncertainties  
15 with respect to layer thickness and ground ice  
16 conditions.

17 The proponent responded the field investigation  
18 programs were carried out to characterize permafrost  
19 conditions at the project site. These site  
20 investigations included establishing the temperature  
21 profile of the ground by installing thermistors,  
22 collecting soil samples for visual identification of  
23 the ice lenses, and classification of the frozen soils,  
24 and laboratory testing to determine the moisture  
25 content of the soils.

26 Agnico Eagle further referred NRCan to Appendix A,

1    which contains a summary of permafrost conditions based  
2    on the available thermistor data -- sorry that was  
3    quick -- thermal modeling results of predicted thermal  
4    conditions under the Whale Tail and IVR pit lakes  
5    post-closure, and a characterization of the active  
6    layer thickness, which is assessed through thermal  
7    modeling. NRCan is satisfied with this response and  
8    has no further questions on this point.

9           So much like permafrost, baseline soil  
10   characteristics are also important for the stability  
11   and performance of mine infrastructure. Existing  
12   information on soil types, characteristics, and  
13   distribution in the region are limited, and, therefore,  
14   Agnico Eagle mapped an additional 195 hectares to  
15   incorporate the road corridors to Lake D1 and D5.

16           NRCan asked for information regarding this  
17   detailed soil mapping. The proponent clarified where  
18   this information is and provided additional figures  
19   depicting additional terrain mapping covering the  
20   corridors to Lakes D1 and D5. NRCan is satisfied with  
21   this response.

22           So permafrost can provide an impermeable barrier  
23   to groundwater flow. However, unfrozen zones, also  
24   known as taliks as shown in the diagram, can exist  
25   beneath large waterbodies that do not freeze to the bed  
26   in winter. If lakes are larger than a critical size,



1 an open talik will exist, providing a hydraulic  
2 connection between the surface and the groundwater.

3 The proponent has indicated that after 11 years of  
4 closure, the base of the Whale Tail Pit lake is  
5 predicted to be hydraulically connected to the deeper  
6 groundwater flow system, and after 50 years, the full  
7 put -- full pit footprint is predicted to have  
8 completely melted. There is expected to be thawing  
9 under the IVR pit as well. NRCan wanted to know if  
10 analysis of thawing under the IVR pit accounted for the  
11 thawing of the Whale Tail Pit beside it.

12 NRCan also wanted more information on thermal  
13 analysis predicting thawing between the two pits.  
14 Agnico Eagle replied that, yes, analyses did account  
15 for the thawing of the Whale Tail Pit and lateral  
16 effects from this, and NRCan is satisfied with this  
17 response.

18 The last issue related to permafrost was the waste  
19 rock storage facilities at the Whale Tail Pit. The  
20 proponent has indicated that they will take advantage  
21 of the cold conditions and have adopted freeze control  
22 and climate control strategies for the waste rock  
23 storage facilities. There are no thermistors currently  
24 in the footprints of the Whale Tail and IVR waste rock  
25 storage facility footprints, but they will be installed  
26 progressively in the thermal cap during construction to

1     assess the effectiveness of the cover in isolating  
2     potentially acid-generating rock.

3             Agnico Eagle had indicated that they may consider  
4     supplemental thermal modeling to evaluate the long-term  
5     performance of this cover. NRCan wanted to know what  
6     specific conditions or circumstances would require this  
7     supplemental modeling, and if any adjustments were  
8     required as a result of this modeling, if these  
9     adjustments would be applied to all of the waste rock  
10    storage facilities or just to one specific waste rock  
11    storage facility.

12            Agnico Eagle responded that thermal modeling data  
13    will be collected regularly and reported on annually  
14    and that modeling will be adjusted based on these  
15    annual updates. They also responded that covers will  
16    be evaluated on a facility-by-facility basis because  
17    not all waste rock storage facilities are the same and  
18    each have site-specific considerations. NRCan is  
19    satisfied with this response.

20            Moving on to hydrogeology or groundwater.  
21    Groundwater models help predict how mine infrastructure  
22    could change groundwater movement, and NRCan asked  
23    questions relating to four issues related to  
24    groundwater.

25            First, NRCan asked why refinement of model input  
26    parameters would not affect conclusions. Agnico Eagle

1     responded that because of the conservative nature of  
2     the model, there is a high level of confidence that  
3     potential effects to groundwater have not been  
4     underestimated. This is mostly because groundwater  
5     discharged to lakes is negligible compared to the  
6     annual surface water exchange.

7             NRCan accepts this response and has no further  
8     comments on this topic. Secondly, NRCan noted that  
9     there was some uncertainty regarding the distribution  
10    of hydraulic conductivities. For those of you who are  
11    not hydrogeologists, like me, hydraulic conductivities  
12    are how easily water can move through different  
13    materials.

14            NRCan asked Agnico Eagle to show the effect of  
15    varying hydraulic conductivities on modeling results.  
16    Agnico Eagle provided a figure that indicated that the  
17    hydraulic conductivities assigned in the EA scenario  
18    are conservatively high, and that below the permafrost,  
19    the hydraulic conductivities were below the ability of  
20    their testing equipment to detect. NRCan accepts this  
21    conclusion and has no further comments on this topic.

22            A complete conceptual model helps to understand  
23    groundwater dynamics and their relation to permafrost  
24    and surface water. NRCan was unable to locate a figure  
25    showing a conceptual model that includes the IVR pit,  
26    and, therefore, NRCan requested a complete conceptual

1 model of the Whale Tail pits and the IVR pits at their  
2 maximum depths.

3 The proponent responded by providing three figures  
4 outlining the conceptual models, including the IVR and  
5 Whale Tail pits at the end of mining, at closure, and a  
6 thousand years after closure, respectively. I have  
7 only put two of these up. The arrows indicate the  
8 inferred groundwater flows, and the light beige is the  
9 bedrock, and the darker beige is the permafrost. NRCan  
10 considers this to satisfy the information requests and  
11 has no further comments on this topic.

12 So when designing a hydrogeological model, you  
13 have to set boundary conditions. These represent the  
14 relationship between your model and the external system  
15 and can induce the flows of water coming and going out  
16 of your model.

17 NRCan asked for recharge and discharge rates for  
18 the water bodies in the project area based on the  
19 boundary conditions set in the model. Agnico Eagle  
20 provided this figure that I have up here, as well as a  
21 table, including the recharge and discharge rates.  
22 NRCan is satisfied with this response and has no  
23 further comments on this topic nor for this assessment  
24 process.

25 Thank you very much for your time. I very much  
26 appreciate it.

1 THE CHAIR: Questions to NRCan from  
2 Kivalliq Inuit Association?

3 MR. MANZO: Thank you, Madam Chair. Luis  
4 Manzo, Kivalliq Inuit Association. No questions for  
5 this topic.

6 THE CHAIR: Baker Lake Hunters and  
7 Trappers Organization.

8 MR. AKSAWNEE: (OTHER LANGUAGE SPOKEN). We  
9 have no questions. Thank you, Madam Chair.

10 THE CHAIR: Government of Nunavut.

11 MR. PINKSEN: Thank you, Madam Chair. Steve  
12 Pinksen, Government of Nunavut. We have no questions.

13 THE CHAIR: CIRNAC.

14 MR. DEWAR: Matna, Madam Chair. Spencer  
15 Dewar, Crown-Indigenous Relations and Northern Affairs  
16 Canada. No questions.

17 THE CHAIR: Environment Canada and Climate  
18 Change.

19 MS. PINTO: Thank you, Madam Chair.  
20 Melissa Pinto, Environment and Climate Change Canada.  
21 We have no questions.

22 THE CHAIR: Fisheries and Oceans Canada.

23 MR. D'AGUIAR: Thank you, Madam Chair. Mark  
24 D'Aguiar with Fisheries and Oceans Canada. We have no  
25 questions, and thank you for the presentation.

26 THE CHAIR: Health Canada.

1 MR. PARTRIDGE: Thank you, Madam Chair. Paul  
2 Partridge, Health Canada. We have no questions.

3 THE CHAIR: Agnico Eagle.

4 MR. QUESNEL: Thank you, Madam Chair. Jamie  
5 Quesnel, Agnico Eagle. No questions.

6 THE CHAIR: NIRB Board staff.

7 MR. BARRY: Thank you, Madam Chair. Ryan  
8 Barry, Nunavut Impact Review Board staff.

9 You will be a little disappointed that I also have  
10 no questions. I would like to, however, compliment  
11 Natural Resources Canada in particular for bringing  
12 some illustrations (LOST AUDIO FEED - OTHER LANGUAGE  
13 SPOKEN) I know it's something that often does help with  
14 (LOST AUDIO FEED - OTHER LANGUAGE SPOKEN) for us  
15 non-hydrogeologists and (LOST AUDIO FEED - OTHER  
16 LANGUAGE SPOKEN) very much appreciate it. Thank you.  
17 Nunavut Impact Review Board Questions Natural Resources  
18 Canada

19 THE CHAIR: NIRB Board members.  
20 Guy.

21 MR. ALIKUT: Guy Alikut, NIRB Board member.  
22 It's not a question, per se. Our Elders -- the Elders  
23 that are from here, they are well-versed in knowing the  
24 traditional place names, and we have to -- I think all  
25 Inuit organizations should recognize that they know the  
26 traditional place names for every area that's in the --

1 in this region. Thank you.

2 THE CHAIR: In your presentation -- I  
3 think you were on Slide 6 -- you said "195 hectares".  
4 Can you explain what -- what 195 hectares looks like?

5 MR. UNGER: Peter Unger, Natural Resources  
6 Canada. Thank you, Madam Chair.

7 So in this specific situation, they've mapped the  
8 entire road corridor all the way until Lakes D1 and D5.  
9 I'm going to be 100 percent honest with you, and I'm a  
10 little bit spatially challenged, so I have a difficult  
11 time comparing that to this. I am going to see if my  
12 colleague Jason Quinn has a better grasp of spatial  
13 comparisons and see if he can answer this.

14 MR. QUINN: I can't speak to -- it's Jason  
15 Quinn, NRCan -- can't speak to 195 hectares outside of  
16 the fact that -- sorry for speaking quickly -- outside  
17 of the fact that 1 hectare is 100 metres by 100 metres,  
18 and then you can scale it.

19 THE CHAIR: Thank you. Thank you for that  
20 explanation.

21 It's almost 5:00. That concludes Day 2 of this  
22 public hearing. Thank you all for your contributions  
23 to a productive day. We will resume the hearing  
24 tomorrow morning at 9 AM, but before we leave for the  
25 night, we have a quick draw for door prizes. For those  
26 in attendance, please get out your tickets, and I hope

1 to see you back here tomorrow. Tomorrow morning we'll  
2 start with the presentation from the Government of  
3 Nunavut and move on to the community roundtable.

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5 PROCEEDINGS ADJOURNED UNTIL 9:00 AM, AUGUST 28, 2019

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## 1 CERTIFICATE OF TRANSCRIPT:

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3 We, Christy Longacre and Andres Vidal, certify  
4 that the foregoing pages are a complete and accurate  
5 transcript of the proceedings, taken down by us in  
6 shorthand and transcribed from our shorthand notes to  
7 the best of our skill and ability.

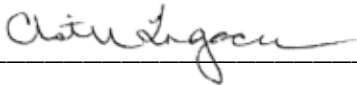
8 Dated at the City of Calgary, Province of Alberta,  
9 this 9th day of September 2019.

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14 C. Longacre, RPR, CSR(A)

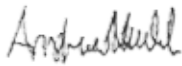
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20 A. Vidal, CSR(A)

21 Official Court Reporter

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