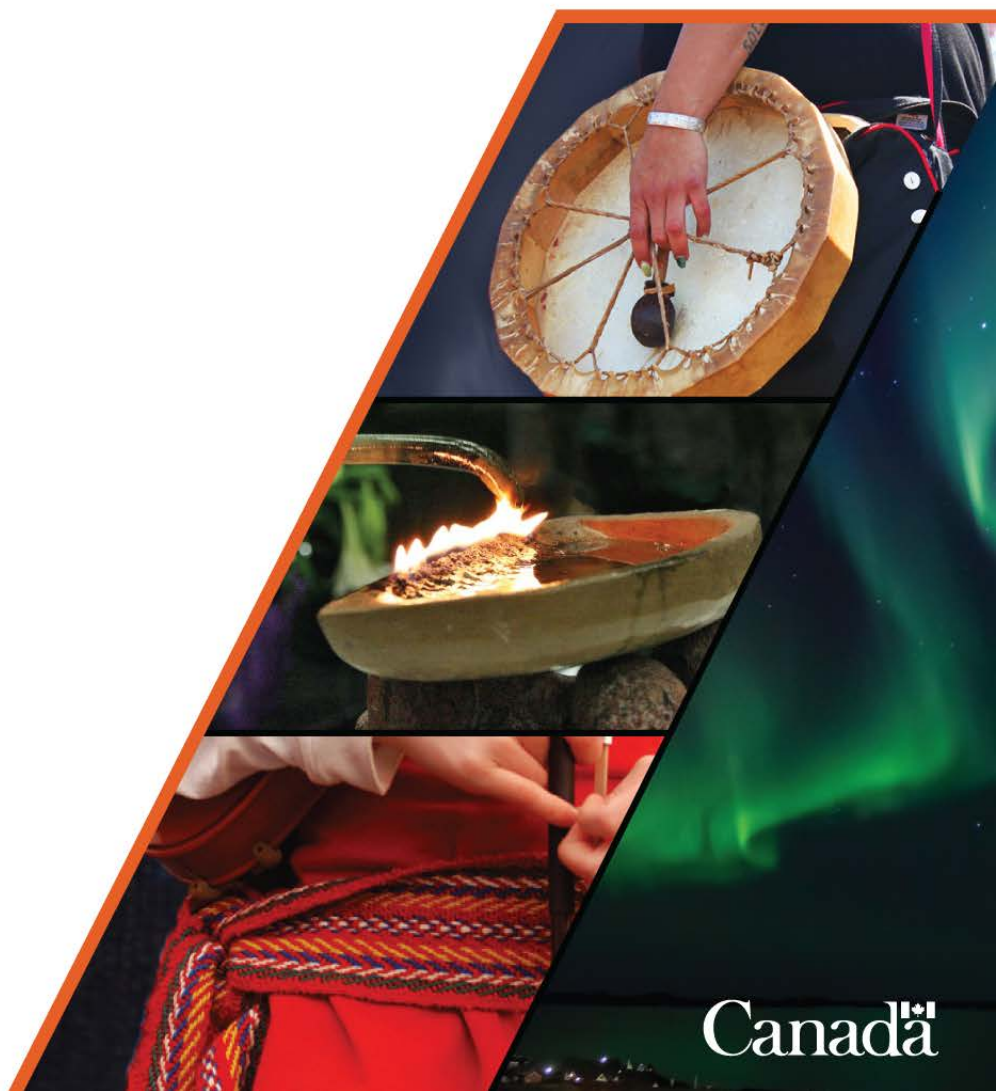




CIRNAC Comments to NIRB

Re: Agnico Eagle Mines Limited's "2020 Saline Discharge Strategy" Proposal related to the Meliadine Gold Mine Project, and "Saline Effluent Discharge to Marine Environment" Amendment for



Nunavut Regional Office
P.O. Box 100
Iqaluit, NU, X0A 0H0

Your file - Votre référence
20YN007
Our file - Notre référence
CIDM # 1284883

May 1, 2020

Tara Arko
Director, Technical Services
Nunavut Impact Review Board
P.O. Box 1360
Cambridge Bay, NU, X0B 0C0
Sent via e-mail to:info@nirb.ca

Re: Request for Comments on Agnico Eagle Mines Limited's "2020 Saline Discharge Strategy" Proposal related to the Meliadine Gold Mine Project, and "Saline Effluent Discharge to Marine Environment" Amendment for the Meliadine Gold Mine Project

Dear Ms. Arko,

On April 14, 2020 the Nunavut Impact Review Board (NIRB) invited parties to comment on Agnico Eagle Mines Limited's "2020 Saline Discharge Strategy" Proposal related to the Meliadine Gold Mine Project, and "Saline Effluent Discharge to Marine Environment" Amendment for the Meliadine Gold Mine Project.

Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) has reviewed the following documents related to the above-mentioned proposals:

- 2014 Final Environmental Impact Statement (FEIS; SD 2-1 Report);
- 2018 Final Environmental Impact Statement Addendum;
- NIRB Project Certificate No.:006 Amendment #1;
- Roads Management Plan (December 2019) Version 8;
- Meliadine Mine Saline Water Management Update – Mid Term Strategy 2020 (March 18, 2020);
- Agnico Eagle Ltr NIRB Re Screening of Agnico Eagle's "Saline Effluent Discharge to the Marine Environment" Project Proposal (April 3, 2020);
- Agnico Eagle Ltr NIRB Re Saline Water Management 2020;
- NIRB Ltr Agnico Eagle Re Scope Change;
- Agnico Eagle Ltr NIRB Re Meliadine Project Scope Clarification; and



- Meliadine Gold Mine-Final Environmental Impact Statement Addendum 2 (April 2020).

Based on this review, CIRNAC offers the responses below as it pertains to the NIRB's request:

2020 SALINE DISCHARGE STRATEGY

CIRNAC notes that the Meliadine Gold Mine Project Certificate (No.: 006) was amended in February 2019 to allow the 2018 Saline Effluent Discharge Proposal (2018 Amendment) to proceed. The amended Project Certificate allows Agnico Eagle Mines Limited (AEM or the Proponent) to use tanker trucks to transport treated saline effluent from the mine site via the all-weather access road (AWAR) and the bypass road for eventual discharge into Melvin Bay during the open water season. Thus, it can be broadly construed that road trucking and eventual discharge of treated saline effluent into the marine environment were included within the scope of the 2018 Amendment.

The 2018 Final Environmental Impact Statement (FEIS) Addendum to the original Meliadine Gold Mine Project evaluates the potential biophysical and socio-economic effects of the proposed amendment activities, including transportation and discharge of treated saline effluent in Melvin Bay. CIRNAC notes that the 2018 Amendment was approved based on AEM's commitment to limit road tanker truck traffic to 16 one way trips per day (Commitment #20) and daily discharge rates of up to 800 m³ per day (Commitment #13) of treated saline effluent into Melvin Bay during the open water season. CIRNAC further notes that the Proponent's 2020 Saline Discharge Strategy (increased tanker truck traffic along the AWAR and bypass road to 44-one-way trips, and discharge of up to 1600 m³ of treated saline water per day into Melvin) represents a variation from Commitments #13 and 20.

CIRNAC acknowledges that the Proponent considers the proposed changes as adaptive management strategies to accommodate greater than anticipated groundwater volumes that will be encountered during underground mining activities. Furthermore, the Department notes that the Proponent has submitted updated management plans (updated Saline Water Management Plan and Road Management Plan) that identify measures to mitigate potential impacts of the proposed changes. However, recognizing that the treated saline water trucking and discharge levels in the current proposal go beyond what is stipulated in commitments #13 and 20 of the amended Project Certificate Amendment, CIRNAC recommends that the NIRB should allow for concerns raised by local organizations and Rankin Inlet community members to be fully addressed through a process that is adequate for the submitted proposal. In particular, the interests of Inuit who participate in traditional land use activities and efforts to protect the Qamanirjuaq caribou herd's resiliency should be publicly documented, along with responses issued by the Proponent, and any resolution of identified issues.



SALINE EFFLUENT DISCHARGE TO MARINE ENVIRONMENT PROPOSAL

CIRNAC is of the view that the “Saline effluent discharge to marine environment proposal” as submitted by the AEM to the NIRB on 31 March 2020, supported by the most recent document (April 2020 FEIS Addendum 2), constitutes a significant modification to the original project as previously assessed and subsequently modified and approved by the NIRB. This determination is based on the following considerations:

- a. Construction and operation of a waterline pipe from the Meliadine mine site to the Itivia Fuel Storage Facility along the all-weather access road and the bypass was presented in the original project FEIS (SD 2-1 Report) and the 2018 FEIS Addendum as an alternative but was not identified as a preferred option; hence potential environmental effects were not assessed;
- b. The installation, operation and decommissioning of a new pipeline extending from the pump house at the existing Itivia facility to a new discharge location, sited approximately 250 metres northwest of the approved discharge point, in Melvin Bay was not included in the assessment of the previous project; and
- c. Although treatment and discharge (up to 800 m³ per day) of treated saline water into Melvin Bay was assessed and approved in the 2018 Amendment, the current proposal to increase discharge flow rates up to 12,000 m³ per day (with a potential increase up to 20,000 m³ per day) represents a significant modification to the scope of the previously assessed discharge flow rates of up to 800 m³ per day of treated saline water approved in the 2018 Amendment.

Considering that the impacts associated with the modifications highlighted above were not assessed in the previous amendment, the Department is of the view that an assessment is warranted in order to identify potential adverse effects to valued ecosystem components and valued socio-economic components.

CIRNAC appreciates the NIRB’s public distribution of AEM’s “2020 Saline Effluent Discharge Strategy” to interested parties for comments. Any concerns raised by affected Inuit for the proposed undertaking, particularly those engaged in traditional land use activities, should be carefully considered when making a determination on how to proceed with approving the proposed changes. If issues of public concern are raised, there should be adequate opportunity for the exchange of information between AEM and interveners to ensure mutually acceptable mitigation measures are put in place.

Finally, although CIRNAC has not identified any specific terms and conditions to be reconsidered, it is the department’s view that an assessment of current proposal may lead to the identification of existing terms and conditions which may require updates or new terms and conditions to be included in the amended Project Certificate No. 006 to reflect the newly proposed changes.



ANY MATTER OF IMPORTANCE TO THE COMMENTING PARTY RELATED TO THE BOARD'S PROCESSING OF THE PROJECT PROPOSAL.

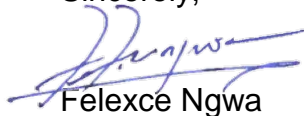
In its April 3, 2020 letter to NIRB, the Proponent states *"Agnico Eagle is planning to install the first phase of the waterlines alongside the northern portion of the AWAR during the summer and fall of 2020. This first phase of activity will occur entirely within the existing Kivalliq Inuit Association Lease KVRW11F02, and no federal or territorial permits or approvals are required in order to proceed with this installation. Agnico Eagle anticipates that this activity would therefore fall within the exemptions under section 155 of the NuPPA[sic], in the event that NIRB determines that additional environmental assessment in the form of a review is required once the NIRB screening is complete"*.

From the foregoing, it appears AEM intends to seek an exemption to enable them to construct portions of waterline in summer 2020, prior to approval of the amendment request. CIRNAC is of the view that AEM will need to file a motion to the NIRB if it intends to initiate project works or activities before the NIRB has completed its assessment of the project. Interested parties should be provided the opportunity to comment on such motion. AEM will only be allowed to proceed with the development works and activities if and once the NIRB grants the motion.

On the merits of such a motion if AEM were to present one, CIRNAC is of the preliminary view that construction of portions of the waterline is unlikely to qualify as "exploration or development activities" under paragraph 155 (1) (a) of Nunavut Planning and Projects Assessment Act (*NuPPAA*). Indeed, the entire waterline pipe from the mine site to the discharge point in Melvin Bay constitutes a major component of the proposed project and will be at the heart of any NIRB assessment; hence construction of portions thereof does not fall under the category of "exploration or development activities" subject to exemption under section 155 of the *NuPPAA*. CIRNAC is also of the preliminary view that construction of portions of the waterline should not be allowed to proceed under paragraph 155 (1) (b) given that the only rationale presented by AEM at this point pertains to Schedule 12-1 exemptions.

In closing, CIRNAC appreciates the opportunity to provide comments and looks forward to working with the NIRB and the Proponent throughout the project's next steps. Should you have any questions, please contact Elena Petre at elena.petre@canada.ca or 867 975 4567.

Sincerely,



Felexce Ngwa
Manager, Impact Assessment

