



**NIRB File No.: 11MN034**  
NWB File No.: 2AM-MEL1631

June 9, 2020

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*Sent via email: [jamie.quesnel@agnicoeagle.com](mailto:jamie.quesnel@agnicoeagle.com)*

**Re: Nunavut Impact Review Board Direction Regarding the “2020 Saline Discharge Strategy” submitted by Agnico Eagle Mines Limited in relation to the Meliadine Gold Mine Project**

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Dear Jamie Quesnel:

This correspondence conveys the direction of the Nunavut Impact Review Board (NIRB or Board) regarding the outcome and next steps in the NIRB’s consideration of interim measures proposed by Agnico Eagle Mines Limited (Agnico Eagle or the Proponent) in correspondence to the NIRB on March 18, 2020. The interim measures proposed would result in an increase from 800 cubic metres/day (m<sup>3</sup>/day) to 1600 m<sup>3</sup>/day in the amount of saline groundwater (saline effluent) transported by truck to storage tanks at Itivia Harbour for discharge into Melvin Bay during the summer of 2020 (2020 Saline Discharge Strategy).

As explained in more detail in the body of this correspondence, following the NIRB’s review and consideration of information provided by Agnico Eagle and written comment submissions provided by regulatory authorities, community members and interested members of the public, the NIRB has reached the conclusions that follow. The 2020 Saline Discharge Strategy does not require changes to the existing terms and conditions of Project Certificate No. 006, Amendment 001 but exceeds the limits on truck traffic and volume of saline effluent discharged into Melvin Bay that Agnico Eagle committed to during the Board’s consideration of the 2018 Saline Effluent Discharge Proposal.<sup>1</sup> The NIRB agrees with commenting parties that updates to management and

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<sup>1</sup> **Commitment 13:** “Regardless of the first day or last day of discharge in any given year, Agnico Eagle commits to a maximum of 800 m<sup>3</sup>/day discharge through the pipe and diffuser to Melvin Bay” and **Commitment 20:** “Agnico Eagle has committed to no more than 16 one way truck trips per day for transport of saline effluent. If Agnico Eagle exceeds the number of trips due to caribou migration, weather and mechanical issues, Agnico Eagle will notify KIA [Kivalliq Inuit Association] with the reason.”

mitigation plans, and modifications to the existing monitoring program for the Meliadine Gold Mine Project (the Project) are required to manage the potential for increased effects on air quality, terrestrial wildlife and the marine environment associated with the proposed increases to truck traffic and the amount of saline effluent discharged. On this basis, the NIRB has decided that the 2020 Saline Discharge Strategy would not constitute a significant modification that requires further assessment by the NIRB if Agnico Eagle implements the following updates to management and monitoring plans and enhancements to the existing reporting program to reflect the activities in the 2020 Saline Discharge Strategy:

#### 1. Terrestrial Ecosystem Management and Monitoring Plan

The Proponent shall update the Terrestrial Ecosystem Management and Monitoring Plan (TEMMP) to include a detailed plan for enhanced monitoring of the potential for truck traffic impacts to wildlife, accounting for the increased truck traffic on the all-weather access road (AWAR) to 88 one way trips per day.

The Board also notes that an updated TEMMP was previously requested as part of the NIRB's 2018-19 Annual Monitoring Report for the Meliadine Gold Mine Project. The NIRB reiterates that, reflecting the commencement of operations at the Meliadine Gold Mine Project, including activities approved as modifications to the Project, the current TEMMP be reviewed and updated. This would include incorporation of recommendations made by regulatory authorities (Kivalliq Inuit Association, Government of Nunavut, Environment and Climate Change Canada) during the preceding monitoring periods (such as their comments on Agnico Eagle's 2018 Annual Report for the Project).

#### 2. Dust Management Plan

The Proponent shall update the Dust Management Plan that outlines enhanced measures to reduce dust emissions from truck traffic on the AWAR, which could include increased frequency of dust suppressant application.

#### 3. Air Quality Monitoring Plan

The Proponent shall update the Air Quality Monitoring Plan to include appropriate and/or enhanced monitoring strategies that account for the increased truck traffic on the AWAR in 2020.

#### 4. Ocean Discharge Monitoring Plan

The Proponent shall update figures in the Ocean Discharge Monitoring Plan to clearly reference the previously-approved limits of 800 m<sup>3</sup>/day as well as the temporary increased volume of saline effluent discharge of up to 1600 m<sup>3</sup>/day related to the 2020 Saline Discharge Strategy undertaking. References in the plan should be provided to any additional monitoring or sampling activities that will be implemented by Agnico Eagle to monitor for potential effects related to the additional outflow.

#### 5. Reporting Requirements

In addition to reporting the results of its monitoring programs within the Proponent's annual report, as required by the terms and conditions of NIRB Project Certificate No. 006, the Proponent shall provide to the NIRB, on or before December 10, 2020 a summary of the results of its monitoring programs as described above and subsequently updated, to the NIRB and regulatory authorities following the conclusion of the 2020 discharge activities. The enhanced reporting will ensure

parties can assess the monitoring results to identify any additional required mitigation measures necessary to limit the potential for adverse ecosystemic effects, that should be implemented before increased discharges continue. The enhanced monitoring data and reporting may also be considered by the NIRB in the assessment of impacts undertaken through the NIRB's concurrent reconsideration of the terms and conditions of Project Certificate No. 006 associated with the "Saline Effluent Discharge to Marine Environment" Proposal.

## 6. Community Engagement

In accordance with terms and conditions #45 and #103 of NIRB Project Certificate No. 006, and Commitments 12, 17, and 18 made during the NIRB's assessment of the 2018 Saline Effluent Proposal, the Proponent is encouraged to continue to engage with the Kangiqliniq Hunters and Trappers Organization, Elders and community members of the Kivalliq communities to inform the above updates to its monitoring plans, programs and mitigation measures. The Proponent should also ensure that the results of the Proponent's monitoring programs are communicated to these community members and organizations in a meaningful way.

The Board encourages Agnico Eagle to remain in regular communication with the NIRB through its Monitoring Officer, and with regulatory authorities responsible for Project oversight, to ensure compliance with the requirements of NIRB Project Certificate No. 006 and the various licenses, permits and approvals issued for the Project. The NIRB also reminds the Proponent that adherence to terms and conditions of the amended Project Certificate No. 006 (#3, #7, #9, #25, #43, #44, #45, #56, #57, #76, #80, #81, #103, and #131) continues to be required for the components of this proposal that have been allowed to proceed in addition to the Meliadine Gold Mine Project (as modified to allow the 2018 Saline Effluent Discharge Proposal to proceed).

During the NIRB's consideration of the 2020 Saline Discharge Strategy, commenting parties voiced concerns about a lack of clear and transparent communication from Agnico Eagle to the communities about the Project and all proposed changes to existing operations. The NIRB acknowledges that public health measures associated with the COVID-19 pandemic may limit in-person meetings. Reflecting these limits, the NIRB encourages Agnico Eagle to make use of alternative and appropriate means of communication, such as social media platforms, community radio or other means to provide access to up to date information about the Meliadine Gold Mine Project overall, to provide the community with clear and transparent communication and invite community dialogue about the project, and to provide the progress of the 2020 Saline Discharge Strategy specifically.

The NIRB has concluded that the implementation of the updated plans and enhanced monitoring and reporting will ensure that the potential for effects due to the increased transportation and discharge of saline effluent in the summer of 2020 as proposed in the 2020 Saline Discharge Strategy can be prevented, managed and mitigated without the need for further assessment by the NIRB.

## BACKGROUND

The Meliadine Gold Mine is located approximately 25 kilometres (km) north of Rankin Inlet, with Phase 1 of the mine development focusing on both open pit and underground mining at the Tirganiaq deposit. The underground mine extends below the permafrost and experiences inflow of

saline groundwater into the underground mine. In January 2018, Agnico Eagle applied to modify the way it would manage saline groundwater flowing into the underground mine because a higher volume of saline groundwater was contacted during construction than was previously predicted in the NIRB's assessment of the original Meliadine Gold Mine Project.

In 2018-2019, the NIRB considered modifications to the Meliadine Gold Mine Project as proposed by Agnico Eagle in the "2018 Saline Effluent Discharge Proposal". The 2018 Saline Effluent Discharge Proposal involved transporting excess saline groundwater (also referenced as saline effluent) by truck along the AWAR from the Meliadine Gold Mine site to an on-shore holding tank at Itivia Harbour for discharge via a pipeline and diffuser into the marine environment in Melvin Bay during the open water season. The 2018 Saline Effluent Discharge Proposal was assessed by the Board as a reconsideration of the terms and conditions of Project Certificate No. 006 for the Meliadine Gold Mine Project.

In 2019, following the NIRB's reconsideration of the 2018 Saline Effluent Discharge Proposal, amendments to Project Certificate No. 006 were approved that permitted Agnico Eagle to proceed with the 2018 Saline Effluent Discharge Proposal.<sup>2</sup> During the NIRB's assessment of the 2018 Saline Effluent Discharge Proposal, Agnico Eagle made the following commitments to parties regarding the maximum daily discharge of saline effluent and limits on the number of one way truck traffic per day as follows:

Commitment 13:

*Regardless of the first day or last day of discharge in any given year, Agnico Eagle commits to a maximum of 800m<sup>3</sup>/day discharge through the pipe and diffuser to Melvin Bay.*

Commitment 20:

*Agnico Eagle has committed to no more than 16 one way truck trips per day for transport of saline effluent. If Agnico Eagle exceeds the number of trips due to caribou migration, weather and mechanical issues, Agnico Eagle will notify KIA with the reason.*

On March 18, 2020 the NIRB received correspondence from Agnico Eagle regarding proposed temporary measures to double the volume of saline effluent to be transported via truck to Itivia Harbour for discharge into Melvin Bay during the summer of 2020 from 800 m<sup>3</sup>/day to 1600 m<sup>3</sup>/day (2020 Saline Discharge Strategy).<sup>3</sup> The update also described how Agnico Eagle expected to increase truck traffic on the existing all-weather access road to transport the doubled volume of saline effluent to Melvin Bay in 2020.

On March 27, 2020 the NIRB requested Agnico Eagle provide additional information to clarify the complete scope of activities being proposed in the 2020 Saline Discharge Strategy, and to indicate how the scope of activities proposed in the 2020 Saline Discharge Strategy relates to activities proposed in a separate application that was submitted on March 18, 2020 to the Nunavut

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<sup>2</sup> Nunavut Impact Review Board, Reconsideration Report and Recommendations, Saline Effluent Discharge to Marine Environment Proposal, Agnico Eagle Mines Limited, NIRB File No. 11MN034, October 31, 2018 (the 2018 Saline Effluent Discharge Proposal). Public Registry ID: 320879.

<sup>3</sup> Public Registry ID: 329035

Planning Commission (Commission).<sup>4</sup> The Board also requested that Agnico Eagle provide additional details regarding the scope and their self-assessment of the 2020 Saline Discharge Strategy which led Agnico Eagle to conclude that the proposed changes did not constitute significant modifications of the original Meliadine Gold Mine Project.<sup>5</sup> In response, Agnico Eagle provided the additional information on March 31, 2020.<sup>6</sup>

#### SCOPE OF ACTIVITIES PROPOSED UNDER THE 2020 SALINE DISCHARGE STRATEGY

As proposed and subsequently updated by Agnico Eagle, the scope of the 2020 Saline Discharge Strategy includes the following works and activities:

- An increase to the volume of saline effluent discharged directly into Melvin Bay during the 2020 open water season; from the previously-approved maximum per day of 800 cubic metres (m<sup>3</sup>) to 1600 m<sup>3</sup>; and
- An associated increase in the amount of truck traffic on the AWAR required to transport the additional volume between the Meliadine Gold Mine site and approved Itivia Harbour facility; increasing the maximum daily trips from 16 round trips (32 one way trips) to a maximum of 44 round trips (88 one way trips).

#### PARTIES' COMMENTS AND CONCERNS

On April 14, 2020, the NIRB invited interested parties to provide their comments regarding the 2020 Saline Discharge Strategy. Specifically, the NIRB invited comment on the following:

- a) Whether the scope of the proposed 2020 Saline Discharge Strategy was included within the scope of what was previously assessed for the approved Meliadine Gold Mine Project (as amended to reflect the 2018 Saline Effluent Discharge Proposal).*
- b) Whether the proposed modification constitutes a “significant modification” to the Meliadine Gold Mine Project (as amended to reflect the 2018 Saline Effluent Discharge Proposal) as previously assessed.*

By May 8, 2020 the NIRB received comment submissions from the following regulatory authorities, Inuit organizations and members of the public addressing the scope and significance of the 2020 Saline Discharge Strategy and the Saline Effluent Discharge to Marine Environment Proposal:

<b>Parties Filing Written Comment Submissions</b>	
<ul style="list-style-type: none"> <li>▪ Nunavut Tunngavik Incorporated (NTI; Doc ID: 329886)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Kivalliq Wildlife Board (KWB; Doc ID: 329605)</li> </ul>
<ul style="list-style-type: none"> <li>▪ Kivalliq Inuit Association (KivIA; Doc ID: 329873)</li> </ul>	<ul style="list-style-type: none"> <li>▪ A Akerolik (Doc ID: 329881)</li> </ul>

<sup>4</sup> The “Saline Effluent Discharge to Marine Environment” project proposal, which is the subject of separate correspondence provided by the NIRB on June 9, 2020.

<sup>5</sup> Public Registry ID: 329034

<sup>6</sup> Public Registry ID: 329161, 329162

<ul style="list-style-type: none"> <li>▪ Government of Nunavut (GN; Doc ID: 329829)</li> </ul>	<ul style="list-style-type: none"> <li>▪ J Innuksuk (Doc ID: 329414)</li> </ul>
<ul style="list-style-type: none"> <li>▪ Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC; Doc ID: 329800)</li> </ul>	<ul style="list-style-type: none"> <li>▪ C Kanaan (Doc ID: 329870)</li> </ul>
<ul style="list-style-type: none"> <li>▪ Fisheries and Oceans Canada (DFO; Doc ID: 329614)</li> </ul>	<ul style="list-style-type: none"> <li>▪ H Misheralak (Doc ID: 329389)</li> </ul>
<ul style="list-style-type: none"> <li>▪ Environment and Climate Change Canada (ECCC; Doc ID: 329743)</li> </ul>	<ul style="list-style-type: none"> <li>▪ S Oolooyuk (Doc ID: 329421)</li> </ul>
<ul style="list-style-type: none"> <li>▪ Transport Canada (TC; Doc ID: 329571)</li> </ul>	<ul style="list-style-type: none"> <li>▪ S Shirley (Doc ID: 329867)</li> </ul>
<ul style="list-style-type: none"> <li>▪ Baker Lake Hunters and Trappers Organization (BLHTO; Doc ID: 329869)</li> </ul>	<ul style="list-style-type: none"> <li>▪ L Tasseor (Doc ID: 329796)</li> </ul>
<ul style="list-style-type: none"> <li>▪ Issatik Hunters and Trappers Organization (IHTO; Doc ID: 329884)</li> </ul>	<ul style="list-style-type: none"> <li>▪ B Zawadski (Doc ID: 329600)</li> </ul>
<ul style="list-style-type: none"> <li>▪ Kangiqliniq Hunters and Trappers Organization (KHTO; Doc ID: 329831, 329832)</li> </ul>	<ul style="list-style-type: none"> <li>▪ K Zawadski (Doc ID: 329837)</li> </ul>

Agnico Eagle also provided a Response to Comments Re 2020 Saline Discharge Strategy (Doc ID: 329997) on May 13, 2020.

Table 1 that follows summarizes the comments received from parties with respect to the 2020 Saline Discharge Strategy.

**Table 1: Summary of Comments from Regulatory Authorities, Inuit Organizations and Community Organizations**

Topic	Party	Comment Summary
<b>Significance</b>	NTI	Public support and determination if potential impacts could be appropriately managed, mitigated and monitored relied on previous commitments 13 and 20. Both KHTO and KWB expressed concern about proposed increases to saline effluent discharge level and increased truck traffic. Proposed changes surpass commitments, changes the scale of activities to a level that may result in impacts that are not adequately mitigated. Proposed modification constitutes a significant modification.
	KivIA	The shorter term 2020 Saline Discharge Strategy modification does constitute a significant modification to the project as previously assessed.
	GN	Defers to NIRB and the Commission on significance.

Topic	Party	Comment Summary
	CIRNAC	<ul style="list-style-type: none"> <li>▪ Concerns raised by affected Inuit, particularly those engaged in traditional land use activities, should be carefully considered in determination. Opportunity for exchange of information between Agnico Eagle and intervenors to ensure mutually acceptable mitigation measures are put in place.</li> <li>▪ Increase to traffic and discharge volume represents a variation from Commitments 13 and 20. Recommendation: NIRB should allow for concerns of local organizations and Rankin Inlet community members to be fully addressed through an adequate process.</li> <li>▪ Particularly interests of Inuit who participate in traditional land use activities and efforts to protect the Qamanirjuaq caribou herds resiliency should be publicly documented, along with responses issued by the Proponent and any resolution of identified issues.</li> </ul>
	KHTO	Not in support. Increased volume and truck traffic beyond the scope of what was previously assessed and is a significant modification
<b>Scope</b>	KivIA	The shorter term 2020 Saline Discharge Strategy is outside the scope of what has been previously assessed for the approved NIRB Project Certificate Number 006.
	GN	Increase to truck traffic from 32 to 44 one way trips has the potential to impact barren-ground caribou, posing a barrier to caribou movement. <b>Recommendation:</b> Proponent should provide a proposal to monitor 2020 truck traffic impacts to wildlife, accounting for the increase from 32 to 44 one way trips.
	CIRNAC	Can be broadly construed that road trucking and saline discharge within the scope of 2018 Amendment.
	ECCC	Water quality elements of activities and discharges proposed are within the previously assessed scope for the Meliadine Gold Mine.
<b>Process</b>	NTI	Supports NIRB assessment that allows for concerns raised by Kangiqlinirmiut to be fully canvassed and addressed. Inuit concerns regarding impacts of proposed activities on wildlife including caribou must be considered and resolved.
<b>Dust Emissions</b>	ECCC	Increase to truck traffic on the AWAR from 32 to 44 trips per day has the potential to moderately increase dust emissions and dust accumulation close to the road. Previously community concerns and NIRB observations of dust. Agnico Eagle should enhance dust mitigation activities in response to increased vehicle traffic.

**Table 2: Summary of Comments from Community Members and Members of the Public**

Name	Comment Summary
<b>A. Akerolik</b>	<ul style="list-style-type: none"> <li>▪ Does not support emergency request to discharge saline water to Meliadine Lake. Concern of impacts to water quality, wildlife and drinking water for community.</li> </ul>
<b>J. Innuksuk</b>	<ul style="list-style-type: none"> <li>▪ Significant changes from original submission, some of which were stated to be key reasoning in approval.</li> <li>▪ Discussion and question offered about the previous 2017 application and associated assessment to seek clarification on why the previous preferred alternatives were changing, why key infrastructure was functioning at a different rate than projected, and quality of the water expected to be released.</li> </ul>
<b>C. Kanaan</b>	<ul style="list-style-type: none"> <li>▪ Previous discharge strategy did not include the current requests and this represents a significant modification.</li> <li>▪ More information required on the factors that may have led to the current situation and proposal: determining the primary cause of elevated total dissolved solids or saline water in retention structure; better understand details around equipment installation and function at site and why the issue of elevated saline water and saline water treatment plant was not reported to regulatory authorities earlier once identified.</li> <li>▪ Questions the notifications and steps taken by the company in addressing the issues and concerned that the public should be consulted to ensure rights of community members are respected.</li> </ul>
<b>H. Misheralak</b>	<ul style="list-style-type: none"> <li>▪ Increased truck traffic along the AWAR has already been significant source of noise, dust and ground disturbance for residents and trappers, and threat to caribou migration.</li> <li>▪ Concerning that Agnico Eagle assumed 2020 plans were not significant and did not consider the heightened environmental impacts of doubling of traffic and saline discharge volumes.</li> <li>▪ Agnico Eagle did not indicate the intention to consult with the community.</li> <li>▪ 2019 reports from Agnico Eagle states that the SWTP running at full capacity, meant to capture salt and turn into solid precipitate. Why is SWTP not being used instead of increasing traffic?</li> </ul>
<b>S. Oolooyuk</b>	<ul style="list-style-type: none"> <li>▪ Concern of contaminants being discharged to drinking and fishing water. Does not want to see dead fish or polluted water that they use for drinking and fishing.</li> <li>▪ Road closures are not occurring when caribou are close to the mine, and the company waits if they can before shutting down. Caribou do not follow their usual migration route through the mine site.</li> <li>▪ ATV trail taken over by mine road and harvesters need permission to go hunting and fishing there.</li> </ul>
<b>S. Shirley</b>	<ul style="list-style-type: none"> <li>▪ Concern of impacts to water quality, mussels, seals, and marine environment as result of discharge to the relatively closed and small bay. Emphasized the importance of the area to local people for traditional land use and harvesting.</li> </ul>

Name	Comment Summary
	<ul style="list-style-type: none"> <li>Concern that previous guidelines/examples of this type of wastewater disposal do not exist to inform the process. Convenience and economic benefits cannot replace the natural gift of using the area.</li> </ul>
<b>B. Zawadski</b>	<ul style="list-style-type: none"> <li>Proposed change of 800m<sup>3</sup>/day to 1600m<sup>3</sup>/day was not part of the original assessment and was not included in community consultation. Doubling the volume of effluent and increased road traffic and dust generation, constitutes a significant modification to the project as previously assessed.</li> </ul>
<b>K. Zawadski</b>	<ul style="list-style-type: none"> <li>Scope is beyond what was originally assessed. Doubling volume of saline effluent discharge is significant modification and increased traffic is a concern</li> </ul>

### THE NIRB'S APPROACH TO CONSIDERING MODIFICATIONS

In general, where a previously-approved project is governed by the existing terms and conditions of a NIRB Project Certificate, the NIRB must consider the following questions to determine the applicable process and procedure guiding NIRB's consideration of any modification proposal:

- Is the proposed modification included within the scope of the original project as previously assessed by the NIRB?
- Is the proposed modification consistent with the terms and conditions of the existing NIRB Project Certificate, or are changes to the Project Certificate necessary to reflect the modification?
- Does the proposed modification constitute a significant modification to the original project that is integrally linked to the original project (or project as subsequently modified by any modification proposals that have been assessed and approved by the NIRB)?
- Does the proposed modification constitute a significant modification to the original project that is not integrally linked to the original project, and that has sufficient scope to be assessed as an independent project proposal?

### THE NIRB'S DIRECTIONS

**Issue 1:** Is the proposed modification included within the scope of the original project as previously assessed by the NIRB?

#### Views of the Parties

With regard to the scope of the proposed changes, in general, commenting parties concluded that the increased truck traffic and saline discharge volumes in the 2020 Saline Discharge Strategy represent increased activities that were not within the scope of what was previously assessed for the approved project.

In contrast, Agnico Eagle indicated that the 2020 Saline Discharge Strategy should be considered within the scope of previous assessments, citing the following:

- The temporary nature of the proposed activities;

- The activities will involve the continued use of existing transportation and marine infrastructure for proposed activities, with no additional infrastructure being required; and
- Established mitigation measures will continue to apply and will mitigate any potential impacts associated with the proposed activities.

### The NIRB's Views

While the general activities identified within the scope of the 2020 Saline Discharge Strategy would be the same as previously assessed, and reflect what is currently occurring on site, the scale of the activities, including increased truck traffic and total amounts of saline groundwater expected to be discharged is double the level which was committed to by Agnico Eagle in the assessment of the 2018 Saline Effluent Discharge Proposal. As a result, the activities proposed in the 2020 Saline Discharge Strategy could represent a change to the potential ecosystemic effects that were previously assessed by the NIRB.

**Issue 2:** Is the proposed modification consistent with the terms and conditions of the existing NIRB Project Certificate, or are changes to the Project Certificate necessary to reflect the modification?

### Views of the Parties

Parties indicated that although no specific amendments to the existing terms and conditions of NIRB Project Certificate No. 006 are required, several parties highlighted that the proposed changes represent a variation from two commitments (13 and 20) regarding limits on truck traffic and discharge volumes that were made by Agnico Eagle during the NIRB's assessment of the 2018 Saline Effluent Discharge Proposal. Federal departments and the Government of Nunavut also recommended that enhanced mitigation and monitoring measures may be required under the existing monitoring program for the Meliadine Gold Mine Project to effectively mitigate the potential for impacts associated with the proposed changes.

Agnico Eagle indicated that the proposed modification is consistent with the existing terms and conditions of NIRB Project Certificate No. 006 and can be carried out in compliance with all applicable regulatory approvals and the existing terms and conditions of Project Certificate No. 006.

### The NIRB's Views

The NIRB agrees with commenting parties that the proposed increases to previously-approved activities would exceed the levels of truck traffic and volume of saline groundwater effluent discharged into Melvin Bay that were set out in Commitments 13 and 20 associated with the NIRB's decision to approve the 2018 Saline Effluent Discharge Proposal.<sup>1</sup> As referenced by parties in their comments, the limits in Commitments 13 and 20 were provided by Agnico Eagle during the NIRB's assessment of the 2018 Saline Effluent Discharge Proposal to address substantive concerns and were considered to be important commitments to parties relied on in their assessment of that proposal.

However, the NIRB notes that the limits adopted in these two commitments were not established as thresholds above which impacts were predicted and should not now be applied by the NIRB as a regulatory limit that automatically triggers a reconsideration of Project Certificate No. 006. As

acknowledged by several commenting parties, the NIRB has concluded that changes to the existing terms and conditions of NIRB Project Certificate No. 006 are not required to accommodate the changes to the Meliadine Gold Mine Project proposed under the 2020 Saline Discharge Strategy.

**Issue 3:** Does the proposed modification constitute a significant modification to the original project that is integrally linked to the original project (or project as subsequently modified by any modification proposals that have been assessed and approved by the NIRB)?

**Issue 4:** Does the proposed modification constitute a significant modification to the original project that is not integrally linked to the original project, and that has sufficient scope to be assessed as an independent project proposal?

### Views of the Parties

Most commenting parties did not dispute that the 2020 Saline Discharge Strategy is integrally linked to the Meliadine Gold Mine Project (as modified to reflect the approved 2018 Saline Effluent Discharge Proposal). Parties also identified affected communities and community members have yet to be adequately consulted on the proposed changes, and the concerns expressed by Inuit organizations and community members have been largely unaddressed.

Numerous members of the public also expressed their concern that increased truck traffic on the AWAR could have impacts to caribou and air quality that have not undergone assessment. Concerns were also noted regarding the potential effects of increased saline discharge volumes to the marine environment and potential impacts on the water quality of Melvin Bay. Commenting parties identified the potential for these types of effects in the terrestrial and marine environments could impact Inuit harvesting and traditional land use. Inuit organizations, community members and members of the public expressed the view that the proposed 2020 Saline Discharge Strategy therefore constitutes a significant modification to the project as previously assessed.

Regulatory parties indicated some form of further assessment of the 2020 Saline Discharge Strategy is required in order to ensure community concerns have been addressed. Parties also noted further development and enhancement of management plans, mitigation measures and monitoring should be based on consultation with Inuit organizations and community members and should address the concerns identified by parties during the NIRB's consideration of the 2020 Saline Discharge Strategy.

### The NIRB's Views

Based on the information provided by Agnico Eagle in respect of the 2020 Saline Discharge Strategy, the comments provided by regulatory authorities, Inuit organizations, community organizations and interested individuals and the NIRB's analysis of the relevant factors, the NIRB has reached the following conclusions:

- The activities proposed in the 2020 Saline Discharge Strategy are modifications to the previously-approved Meliadine Gold Mine Project<sup>7</sup> which is integrally linked to the

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<sup>7</sup> As modified in 2019 to allow the Saline Effluent Discharge to the Marine Environment Proposal to proceed.

original project and should be considered by the NIRB in the context of the previously-approved project and not as a separate project proposal.

- The potential for ecosystemic and socio-economic effects is short term, occurring for approximately one year between the stages of project development, and arises in the context of overall groundwater and surface water management taking place at the Meliadine Gold Mine, including surface water management activities in the context of recently-acknowledged emergency circumstances.<sup>8</sup>
- As noted by many of the commenting parties, the proposed increases to previously-approved activities would exceed the levels of truck traffic and volume of saline groundwater effluent discharged into Melvin Bay that were set out in Commitments 13 and 20 associated with the NIRB's assessment of the 2018 Saline Effluent Discharge Proposal.<sup>1</sup> These were limits Agnico Eagle provided to parties during the NIRB's assessment of the 2018 Saline Effluent Discharge Proposal to address substantive concerns and were considered to be important to parties in their assessment of that modification, but were not set as impact thresholds or regulatory limits.
- While many commenting parties acknowledge that changes to the existing terms and conditions of the Project Certificate are not required to accommodate the changes to the Meliadine Gold Mine Project proposed under the 2020 Saline Discharge Strategy, commenting parties nonetheless expressed significant concerns associated with the 2020 Saline Discharge Strategy, including that:
  - The proposed increases surpass levels of activity provided by Agnico Eagle in previous commitments, change the scale of activities to a level that may result in impacts that are not adequately mitigated under existing terms and conditions, and constitute a significant modification to the previously-approved Meliadine Gold Mine Project.
  - It is unclear why the volumes of saline effluent predicted in the original assessment of the Meliadine Gold Mine Project and the 2018 Saline Effluent Discharge Proposal underestimated the saline groundwater actually encountered at the site.
  - It is unclear why Agnico Eagle has had to change the alternatives for managing the resulting saline effluent from what was proposed and agreed to during the prior assessments.
  - The community has not been adequately consulted and kept informed about the proposed increases.
  - The potential increases to dust generation and effects on terrestrial wildlife, including caribou, in the vicinity of the road associated with doubling truck traffic must be prevented and mitigated to ensure the activities do not have impacts on traditional land use activities and Inuit harvesting activities.

The NIRB has concluded that the 2020 Saline Discharge Strategy does not require changes to the existing terms and conditions of Project Certificate No. 006, Amendment 001. However, to prevent, manage and mitigate the potential for impacts on air quality, the terrestrial environment and the marine environment identified by commenting parties, the NIRB has identified the following updates to management and monitoring plans and enhancements to the existing

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<sup>8</sup> 200515 2AM-MEL1631 Amendment Minister Approval Letter-IMLE published on the Nunavut Water Board public registry, available online from the [NWB Public Registry](#).

reporting program for the Meliadine Gold Mine Project are required as outlined at the beginning of this letter and summarized below:

- Updates to the following relevant plans to reflect the proposed activities: Terrestrial Ecosystem Management and Monitoring Plan, Dust Management Plan, Air Quality Monitoring Plan, and Ocean Discharge Monitoring Plan.
- Reporting of monitoring results as per the above identified plans to the NIRB, regulatory authorities and affected community organizations and communities, following the conclusion of activities in the fall of 2020.
- Enhanced community engagement with respect to completing the required updates, complying with the Project Certificate terms and conditions and commitments, and informing affected communities of the results of the Proponents monitoring programs.

The NIRB has concluded that if Agnico Eagle implements the updates and enhancements as summarized above and outlined at the beginning of this letter, the 2020 Saline Discharge Strategy would not constitute a significant modification and no further assessment by the NIRB is required.

The NIRB emphasizes that this decision to allow the increased traffic and saline effluent disposal to proceed under the 2020 Saline Discharge Strategy during the 2020 operational year, is temporary and applies to the 2020 season. The NIRB's consideration of longer-term increases to truck transport and saline effluent disposal remains to be considered by the NIRB under Agnico Eagle's "Saline Effluent Discharge to the Marine Environment Proposal" that is currently the subject of a separate assessment by the Board.

## CONCLUSION

In closing, NIRB highlights for Agnico Eagle that during the NIRB's consideration of the 2020 Saline Discharge Strategy, community members expressed several concerns about a lack of clear and transparent communication from Agnico Eagle about topics including:

- Existing activities;
- Alternatives to the 2020 Saline Discharge Strategy;
- Results of monitoring to date; and
- Why impact predictions and measures proposed during the NIRB's previous assessments are inadequate to manage the saline groundwater now encountered by Agnico Eagle at the site.

Reflecting the limits to community consultation due to the current pandemic situation, the NIRB encourages Agnico Eagle to make use of alternative means of communication, such as social media platforms, to provide access to up to date information about the Meliadine Gold Mine Project overall and the progress of the 2020 Saline Discharge Strategy specifically.

The NIRB has concluded that the potential for ecosystemic effects associated with the increased transportation and discharge of saline effluent as proposed in the 2020 Saline Discharge Strategy can be addressed via the implementation of updated management and mitigation plans, and enhanced monitoring and reporting as directed above. The NIRB requires that the Proponent provide the Board with an expected date of submission of the requested plan updates within **two**

(2) weeks following receipt of this correspondence. In addition, Agnico Eagle should provide the NIRB with confirmation of its action plan to implement the above recommendations for enhanced reporting requirements, and with an outline of its plan for community engagement and consultation specific to the 2020 Saline Discharge Strategy. Should the Proponent require additional time to prepare their response, Agnico Eagle should notify the NIRB immediately to request additional time.

The NIRB sincerely appreciates the efforts of the Proponent and all parties towards ensuring the requirements of the *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada (Nunavut Agreement)* and the *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 14, s. 2 (*NuPPAA*) are respected and the assessment of proposed development projects are undertaken by the most efficient and effective means possible.

If you have any questions regarding the NIRB's directions in respect of these issues, please contact the NIRB's Executive Director, Karen Costello directly via email at [kcostello@nirb.ca](mailto:kcostello@nirb.ca).

Sincerely,



Kaviq Kaluraq  
Chairperson  
Nunavut Impact Review Board

cc: Meliadine Gold Mine Project Distribution List  
Manon Turmel, Agnico Eagle Mines Limited  
Michel Groleau, Agnico Eagle Mines Limited  
Stephanie Autut, Nunavut Water Board  
Karén Kharatyan, Nunavut Water Board  
Carson Gillis, Nunavut Tunngavik Inc.  
Luis Manzo, Kivalliq Inuit Association  
Natalie O'Grady, Government of Nunavut  
Amy Robinson, Government of Nunavut  
Saba Qazi, Northern Projects Management Office  
Adrian Paradis, Northern Projects Management Office  
Tracey McCaie, Crown-Indigenous Relations and Northern Affairs  
John Olyslager, Environment and Climate Change Canada  
Daniel Coombs, Fisheries and Oceans Canada  
Anita Gudmundson, Transport Canada