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To: Nunavut Impact Review Board c/o Tara Arko, Director, Technical Services

Re: NIRB File No. 11MN034: Request for Comments on Reconsideration Process regarding NIRB's assessment of Agnico Eagle Mines Limited's "Saline Effluent Discharge to Marine Environment" Project Proposal

July 10, 2020

To Tara Arko and Whomever It May Concern:

On behalf of the Kivalliq Wildlife Board (KWB) and the Hunters and Trappers Organizations (HTOs) of the seven communities in the Kivalliq, I would like to thank the Nunavut Impact Review Board (NIRB) for providing the opportunity to provide comments on the reconsideration process regarding NIRB's assessment of Agnico Eagle Mine Limited's (AEM) "Saline Effluent Discharge to Marine Environment" project proposal.

The KWB is submitting these comments with the support of all seven chairs of the Kivalliq HTOs who have indicated they support the recommendations offered in this letter. Below you will find the KWB's comments on the issues requested by NIRB:

a) Process and timeline considerations that will affect the party's ability to participate in the reconsideration process, specifically in regards to the timing suggested by Agnico Eagle, and how agencies are continuing to maintain operations through the current pandemic.

In comments to NIRB on AEM's 2019 Annual Report, the Government of Nunavut raises concern about the standard and methods of AEM's monitoring of caribou behaviour near the mine (comment GN-01), reporting of significant changes in baseline trends concerning caribou (GN-02), updating adaptive management responses to changes in caribou behaviour (GN-02), reporting of methods and results of "ground surveys" that monitor caribou sensory disturbance near the project (GN-03), monitoring and reporting of caribou harvesting along the all-weather-access-road (AWAR) (GN-04), and monitoring and reporting of caribou presence and movements along the AWAR (GN-05). Further, the Kivalliq Inuit Association's comments on AEM's 2019 Annual Report raises concerns about the higher than expected traffic along the AWAR (even when removing saline effluent tankers) and what impacts this high volume of traffic may have on wildlife (comment #17), lack of data presented on caribou observations and movements (#18, #20, #23, #24), lack of analysis on data from caribou observations (#18, #20, #24), "continued failure to report on caribou displacements and deflections in response to project



 operations" (#20, #24), and clear rationales for how "caribou data is used to make decisions regarding management and mitigations, particularly along the AWAR" (#18, #20, #24, #26). Addressing these issues is important for AEM to meet their obligations under the project's terms and conditions 44, 48, 56 and 57.

Serious concerns have also been raised about AEM's water quality reporting and the infrastructure intended to treat effluent to be discharged by the proposed project. These also need to be addressed as any discharge of effluent will have an impact on marine life.

The KWB feels these issues need to be addressed by AEM before a hearing on the proposed pipeline project occurs because the KWB has serious concern about the impacts that the pipeline will have on caribou and other terrestrial wildlife as well as marine wildlife.

If these issues are addressed, the KWB feels a hearing on the proposed project is appropriate. Currently, the process and schedule suggested by AEM do not provide a feasible timeline for the KWB and Kivalliq HTOs to review all of the documentation related to this file, consult with their constituencies, and prepare for a hearing.

The offices of the KWB and the Kivalliq HTOs were shut down between mid-March and the early June due to the covid-19 pandemic. With the gradual re-opening of offices and workspaces since the beginning of June, work is being done to catch up on many files. The comments in the next section address the timeline and process that KWB supports.

b) While the Board's assessment processes include a mix of written, verbal, and in-person communication, the NIRB would like to understand if parties have a preference for or judge their ability to participate effectively in potential alternatives to in-person public meetings, such as teleconferences or virtual hearings.

The KWB and Kivalliq HTOs recommend that the formal reconsideration of the terms and conditions of Project Certificate No. 006 should occur through an in-person public hearing.

Assuming AEM addresses the issues noted above, the KWB recommends that written comments be accepted until mid-September and that an in-person hearing occur in Rankin Inlet, Nunavut in late September. This location will give organizations and community members in Rankin Inlet (and other communities) an opportunity to attend the hearing and express their concerns. The recommended dates will give organizations and community members time to review the documents related to this file and prepare for the hearing.



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Since the proposal potentially affects community members in other communities beyond Rankin Inlet, the KWB suggests a call-in option be available in both Inuktitut and English for any community members who want to participate in the hearing but are unable to attend in person.

c) Any additional practicalities of the Board conducting its assessment during the current pandemic, including capacity or resource limitations that would inhibit the parties' ability to participate to the extent they require.

The KWB and Kivalliq HTOs appreciate that CIRNAC has committed to providing participant funding for this assessment. This funding will help Inuit wildlife organization in the Kivalliq participate in the process.

Should you have any questions or need more information regarding the KWB's comments, please contact Clayton Tartak, Research Coordinator, at kwbtech@niws.ca.

Sincerely,

Stanley Adjuk Chairperson

Kivalliq Wildlife Board