



**NIRB File No.: 11MN034**  
NWB File No.: 2AM-MEL1631  
NPC File No.: 149337

August 7, 2020

To: Meliadine Distribution List

*Sent via email*

**Re: Anticipated Timelines and Process Guidance for the Nunavut Impact Review Board's assessment of Agnico Eagle Mines Limited's "Saline Effluent Discharge to Marine Environment" Project Proposal**

Dear Parties:

On June 9, 2020 the Nunavut Impact Review Board (NIRB or Board) provided notice to parties and the Responsible Minister initiating a formal reconsideration of the terms and conditions of Project Certificate No. 006 (Amendment 001) in light of Agnico Eagle Mines Limited's (Agnico Eagle or the Proponent) "Saline Effluent Discharge to Marine Environment" Project Proposal (the Project Proposal), a proposed amendment to the approved Meliadine Gold Mine Project (NIRB File No. 11MN034). However, the Board highlighted that while it was able to determine that a reconsideration of the terms and conditions of the Meliadine Project Certificate was required, it was constrained in issuing the detailed process at that time due to the restrictions of Public Health Orders.

Recent changes to Public Health Orders have allowed for the reopening of offices, increasing group size of indoor gatherings and updates to flight schedules in response to increased travel within Nunavut and enabled the Board to reconsider options for setting out the anticipated process. The Board has developed this procedural direction after considerable deliberation and assessment by the Board of:

- the emerging best practices of courts and tribunals across Canada, including tribunals similar to the NIRB;
- available technology and technological limits;
- consideration of the Board's objectives for the conduct of these next steps in the Board's assessment;
- the rights of Inuit to meaningful participation in the Board's processes;
- the requirements to give due regard and weight to the tradition of Inuit oral communication and ensuring the participation of Elders and Inuit knowledge holders;

- the promotion of public awareness and public participation; and
- the issues identified by parties when commenting on their ability and capacity to participate in the assessment process.

In the development of this guidance, the Board emphasizes that the preservation and protection of the health of participants to the process, and Nunavummiut in general, remains a central guiding principle, and the Board has modified our existing processes to reflect the current guidance of public health authorities. The Board also recognizes however, the importance of the Board finding a way to continue to deliver on our mandate and conduct thorough and timely assessments even during this unprecedented and challenging time. To all parties, the Board notes that the COVID-19 pandemic has had global and far-reaching effects on all decision-makers who generally hold in-person proceedings to support their decision-making. The Board notes that although there is a strong desire and comfort in returning to the Board's pre-pandemic practices, the Board has concluded that modifications and new approaches are necessary because an indefinite suspension of the Board's usual in-person proceedings to await a return to normal is unacceptable.

This correspondence provides notice to all parties of the Board's guidance on the anticipated process for the reconsideration of the terms and conditions of the Project Certificate No. 006 (Amendment 001) and associated the next steps.

#### COMMENTS RECEIVED ON PROCESS

Following receipt of Agnico Eagle suggested process timelines for the Project Proposal<sup>1</sup>, the NIRB issued correspondence on June 30, 2020 providing interested parties with an opportunity to submit comments on their ability to participate in the NIRB's assessment for this proposal, given the ongoing COVID-19 pandemic, and considering Agnico Eagle's proposed timelines.

On or before July 10, 2020 the following parties and members of the public filed responses to the Board's request:

- Nunavut Tunngavik Incorporated (NTI; Doc. ID: 330733)
- Kivalliq Inuit Association (KivIA; Doc. ID: 330738)
- Government of Nunavut (GN; Doc. ID: 330745)
- Government of Canada (GoC; Doc. ID: 330732)
  - Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC), Fisheries and Oceans Canada (DFO), Natural Resources Canada (NRCan), Health Canada (HC), and Transport Canada (TC)
  - Environment and Climate Change Canada (ECCC; Doc. ID: 330606)
- Kivalliq Wildlife Board (KWB) and Kivalliq Hunters and Trappers Organizations (Doc. ID: 330731)
- B. Zawadski (Doc. ID: 330646)
- C. Kanaan (Doc. ID: 330715)
- L. Wiseman (Doc. ID: 330724)

All submissions received can be accessed on the NIRB's online public registry for this assessment at [www.nirb.ca/project/125515](http://www.nirb.ca/project/125515) or by searching with the above specified Document ID numbers.

<sup>1</sup> NIRB Public Registry [www.nirb.ca/project/125515](http://www.nirb.ca/project/125515), Document ID No.: 330560

The Board appreciates the feedback provided by interested parties and members of the public regarding the assessment process and acknowledges parties' views which can be summarized, generally, as follows:

- Government of Canada (GoC)
  - Noted timeline required consideration for s. 112(6) of the *Nunavut Planning and Project Assessment Act (NuPPAA)* giving the Responsible Ministers have up to 90 days to reach a decision following issuance of the Board's Reconsideration Report and Recommendations.
  - Noted the importance of enabling Indigenous peoples to meaningfully participate and ensuring adequate consultation. Given that Participant Funding is being made available through Crown-Indigenous Relations and Northern Affairs Canada's Northern Participant Funding Program, a reconsideration process should consider the timelines necessary for the preparation and review of funding proposals. The timeline proposed by the Proponent would not allow adequate time for potential applicants to prepare funding proposals and receive the funding that would allow them to fully participate in the process.
- KivIA
  - Noted that in addition to an in-person public meeting further technical and community concerns may be resolved through a combination of written submissions, teleconferencing and virtual hearings given notice is provided to the community and telecommunication support is provided.
  - Process schedule should consider traditional land use as many community members will be out on the land during the month of August, therefore requesting that further process steps be deferred until fall.
- Government of Nunavut
  - Following the return to offices in June, the GN does not see significant barriers to its effective participation in teleconference and/or virtual proceedings, as alternatives for in-person meetings. The GN defers to the NIRB to render a decision for an appropriate format and schedule of the anticipated proceedings of this assessment.
- Several parties, including Nunavut Tunngavik Inc., Kivalliq Inuit Association, and the Kivalliq Wildlife Board (KWB) on behalf of the seven Hunters and Trappers Organizations (HTOs) of the Kivalliq Region noted a preference for in-person public meetings to allow members of the potentially affected communities to participate. However, parties also noted that virtual or phone-in options should be considered to supplement in-person proceedings to enable participation of those representatives that are unable to attend in-person due to travel and gathering restrictions.
- Inuit organizations and members of the public indicated that further public consultation with the affected communities is required.
- KWB and HTOs also noted issues of compliance with the current Project Certificate terms and conditions regarding the impacts of the approved project to terrestrial wildlife (caribou), as well as highlighting issues with water related infrastructure. Parties note that these issues need to be addressed before the assessment process can proceed.

The reconsideration process for the “Saline Effluent Discharge to Marine Environment” Project Proposal will adhere to the NIRB’s established Rules of Procedure, while appropriately scaled to the scope of activities of the Project Proposal. In setting out the anticipated process for the reconsideration of the terms and conditions of the Project Certificate No. 006, the Board has been mindful of submissions from parties, as summarized above, related to their ability to participate effectively given the current and ongoing COVID-19 pandemic.

The Board has concluded the following:

- A combination of in-person and video conference meetings, teleconference sessions, and the receipt of written and video submissions by the parties are the best alternatives to the in-person attendance of all participants.
- A limited number of participants can attend in-person meetings in Nunavut while still observing public health directions.
- For parties represented by individuals who are unable to travel into Nunavut, the Board will establish one or two central locations or “hubs” outside of Nunavut where these parties will gather in-person for the meetings. These southern hubs will be operated in compliance with the directions provided by public health authorities in the relevant jurisdictions and will be able to participate in the Community Roundtable and Pre-Hearing Conference via video and audio links to the hubs in Nunavut throughout the proceedings.

The NIRB anticipates facilitating a Technical Meeting, as well as a Community Roundtable and Pre-Hearing Conference via a combination of written submissions, in-person and video conference meetings to ensure outstanding issues are met and community concerns are addressed prior to the scheduling of a Public Hearing. The Pre-Hearing Conference will provide an opportunity for the Board to determine the appropriate schedule and format of a Public Hearing. Additional details regarding the Board’s assessment of the proposed amendment to the Meliadine Gold Mine Project will be provided as they become available, following acceptance of the Proponent’s forthcoming revision to its Impact Statement Addendum (IS Addendum).

### **PROPOSED PROCESS TIMELINES**

The Board provides the following anticipated outline of the process and timelines for the NIRB’s reconsideration of the terms and conditions of Project Certificate No. 006 to reflect the assessment of effects associated with Agnico Eagle’s “Saline Effluent Discharge to Marine Environment” Project Proposal. The Board stresses that ensuring this assessment is completed in accordance with the timelines set out below is contingent on several factors outside the Board’s control:

- Parties meeting deadlines throughout the process.
- Potential changes to travel restrictions or public health orders as a result of unforeseen developments in the COVID-19 pandemic.
- Adequate information being provided to the parties and the Board throughout.
- Agnico Eagle and Intervenor working to resolve outstanding issues and ensuring that the Board is being kept informed of the outcome/resolutions achieved.

On July 24, 2020 the Proponent provided correspondence to the NIRB indicating that it anticipates submitting a revised IS Addendum with the relevant information identified and requested by the

Board between August 10-14, 2020<sup>2</sup>. Following receipt of Agnico Eagle's IS Addendum, the NIRB will conduct an internal check to confirm the submission contains the necessary components, in a format that allows parties to access the content, so as to fulfill the requirements of the NIRB direction. Following acceptance of the Proponent's IS Addendum, the Board will initiate a public technical review of the proposal.

<b>Tentative Dates</b>	<b>Process Step</b>
<b>August 10, 2020</b>	Agnico Eagle submits revised IS Addendum.
<b>On or before August 21, 2020</b>	NIRB issues conformity determination and scope of proposal. If a positive conformity is noted, technical review initiated by requesting parties submit Information Requests (IRs) directly to the NIRB (30 days).
<b>September 11, 2020</b>	Participant Funding applications due to Crown-Indigenous Relations and Northern Affairs Canada.
<b>September 18, 2020</b>	Interested parties submit IRs directly to the NIRB.
<b>September 21, 2020</b>	NIRB considers all IRs and makes decisions regarding their suitability. NIRB forwards all appropriate requests to the Proponent (and other parties if applicable) (15 days provided for response).
<b>October 5, 2020</b>	Agnico Eagle submits its response to IRs; NIRB initiates 30-day technical review period.
<b>November 4, 2020</b>	Parties submit technical review comments to the NIRB.
<b>November 18, 2020</b>	Agnico Eagle files a response to technical review comments ( <i>tentative 15 days</i> ).
<b>November 23-26, 2020</b>	Technical Meeting, Community Roundtable and Pre-Hearing Conference (written submissions/in-person/virtual)
<b>December 9, 2020</b>	Pre-Hearing Conference decision issued determining timing, format, and any associated logistics for the Public Hearing; Public Hearing announced
<b>To be determined</b>	NIRB Public Hearing

A process map has been provided, with anticipated timelines where possible, in [Appendix A](#) of this letter.

#### PARTICIPANT FUNDING

On June 29, 2020 Crown-Indigenous Relations and Northern Affairs Canada provided notification to the NIRB that participant funding would be provided for participants in the assessment of the "Saline Effluent Discharge to Marine Environment" Project Proposal related to the Meliadine Gold Mine Project<sup>3</sup>. The NIRB has provided its anticipated process and timelines outlined in this correspondence to allow sufficient time for interested parties to prepare their funding proposals. Participant funding materials, which include specific deadlines and guidance will be provided to parties in the coming days, by way of separate correspondence.

<sup>2</sup> NIRB Public Registry [www.nirb.ca/project/125515](http://www.nirb.ca/project/125515), Document ID: 330824

<sup>3</sup> NIRB Public Registry [www.nirb.ca/project/125515](http://www.nirb.ca/project/125515), Document ID: 330555, 330556, 330557

## CONCLUSION

In closing, the Board appreciates the feedback and support provided by all participants in the assessment of Agnico Eagle's "Saline Effluent Discharge to Marine Environment" Proposal. Should you have questions or require any additional clarification regarding the NIRB's process, please contact Tara Arko, Director of Technical Services at [tarko@nirb.ca](mailto:tarko@nirb.ca) or (867) 983-4611.

Sincerely,



Karen D. Costello  
Executive Director  
Nunavut Impact Review Board

Attachment (1): *Appendix A: Anticipated Process for NIRB Assessment of Agnico Eagle Mines Limited's "Saline Effluent Discharge to Marine Environment" Project Proposal (NIRB File No. 11MN034/125515), August 7, 2020*

cc: Jamie Quesnel, Agnico Eagle Mines Limited  
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 Canada  
John Olyslager, Environment and Climate Change Canada  
Daniel Coombs, Fisheries and Oceans Canada  
Anita Gudmundson, Transport Canada

*APPENDIX A: ANTICIPATED PROCESS FOR NIRB ASSESSMENT OF AGNICO EAGLE MINES LIMITED'S  
"SALINE EFFLUENT DISCHARGE TO MARINE ENVIRONMENT" PROJECT PROPOSAL (NIRB FILE NO.  
11MN034/125515)*

Anticipated Process for NIRB Assessment of Agnico Eagle Mines Limited’s “Saline Effluent Discharge to Marine Environment” Project Proposal (NIRB File No. 11MN034/125515)  
*August 7, 2020*

