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Yellowknife, NT X1A 2R3

October 13, 2020

Karen D. Costello
Executive Director
Nunavut Impact Review Board
P.O. Box 1360
Cambridge Bay, NU X0B 0C0

Via e-mail: info@nirb.ca

**Government of Canada Information Responses to Kivalliq Wildlife Board's
Information Requests for Agnico Eagle Mines Limited's Impact Statement Addendum
for the "Saline Effluent Discharge to Marine Environment,
Rankin Inlet, Meliadine Gold Mine" Project Proposal**

Dear Ms. Costello,

Thank you for your letter dated September 28, 2020, requesting that the identified federal departments respond to information requests from the Kivalliq Wildlife Board about Agnico Eagle Mines Limited's (AEM's) Impact Statement Addendum for the "Saline Effluent Discharge to Marine Environment, Rankin Inlet, Meliadine Gold Mine" Project Proposal (the Project). The Canadian Northern Economic Development Agency's Northern Projects Management Office (NPMO) is responding on behalf of Environment and Climate Change Canada (ECCC), Fisheries and Oceans Canada (DFO), and Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC).

The federal departments have reviewed the Kivalliq Wildlife Board's information requests and have provided their responses below.

The Government of Canada looks forward to continued participation in the Board's reconsideration process. If you have any questions or concerns, please contact Saba Qazi, Senior Project Manager, NPMO, at saba.qazi@canada.ca, (867) 975-1945.

Sincerely,

Digital signature of Lisa Dyer
Date: 2020.10.13 12:39:02 -06'00'

Lisa Dyer
Director General
Northern Projects Management Office



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- c. Krista Henriksen, Regional Director General, Crown-Indigenous Relations and Northern Affairs

Mary Taylor, Environmental Protection Operations Directorate, Environment and Climate Change Canada

Margaret Fairbairn, A/Regional Director, Environmental Protection Operations Directorate, Prairie Northern Region, Environment and Climate Change Canada

Tom Hoggarth, Director General, Ecosystems Management, Fisheries and Oceans Canada, Central and Arctic Region



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Government of Canada – Information Request Responses

Interested Party: Kivalliq Wildlife Board		IR number: 17
Directed to: Environment and Climate Change Canada		
IR Issue/ concern:	Many local Inuit collect eider duck eggs on nearby islands and the ducks feed in the vicinity of the proposed project. What impacts will the discharge have on eider ducks and their eggs? What impacts could this have on people?	
IR Request:	Can Environment and Climate Change Canada work with local hunters on a monitoring program to ensure harvesters are not at risk.	
Government of Canada Response:	<p>The effluent will be treated to meet discharge regulations prior to release, and the water quality modelling results presented in the Final Environmental Impact Statement (FEIS) indicate that water quality in the receiving environment is expected to meet ambient water quality guidelines within a very short distance. As such, ECCC does not anticipate adverse effects to aquatic life and marine birds from the proposed effluent discharge. In regards to the effects on people, ECCC recommends that the Nunavut Impact Review Board (the NIRB) consult Health Canada (HC), as this would fall within their mandate and area of expertise.</p> <p>ECCC notes that an Ocean Discharge Monitoring Program is proposed in the FEIS addendum, which allows for the monitoring of water quality in the receiving environment and the adaptive management of potential Project-related effects. ECCC will continue discussions with AEM throughout the life of the monitoring program to ensure the objectives are met and adaptive management is in place, should it be required. Additional wildlife and human health objectives could be added to an overall Ocean Discharge Monitoring Strategy, should this need be identified during the technical review period. However, as this concern is raised as part of a Project review, the NIRB would have to provide direction and seek commitment from AEM. Additions to the current Monitoring Plan would require a group of collaborators, including ECCC, to initiate discussions and explore options with the Kivalliq Wildlife Board. Note that ECCC's mandate and expertise is limited to the environment (e.g. water quality and wildlife toxicology) and therefore we would defer to other departments or governments for human health components of any proposed future monitoring.</p>	
References:	<p><i>ECCC's specialist advice is based on its mandate pursuant to the following:</i></p> <ul style="list-style-type: none">• <i>Migratory Birds Convention Act 1994,</i>• <i>Canadian Environmental Protection Act</i>• <i>Pollution prevention provisions of the Fisheries Act.</i>	



Interested Party: Kivalliq Wildlife Board IR number: 18	
Directed to: Crown-Indigenous Relations and Northern Affairs Canada & Fisheries and Oceans Canada	
IR Issue/ concern:	<p>AEM has noted that 1 out of 10 (10%) of their grab samples in 2019 were out of compliance for total suspended solids (TSS). On September 2, 2020, they reported that up to 11,000 cubic meters of groundwater effluent discharge was out of compliance for TSS.</p> <p>At this point, AEM has a history of releasing non-compliant groundwater effluent into the marine environment, and their treatment and management of the groundwater is faulty.</p> <p>What are the responsibilities of the regulatory authorities in monitoring AEM rather than them continuing to monitor themselves? If they continue to fail to meet regulatory compliance, what are the repercussions? What if they cannot achieve compliance?</p> <p>It appears that the management and mitigation efforts are weak at best. How can the Kivalliqmiut be confident that all of the management and mitigation plans amount to anything if regulations continue to be broken? How can the people of Rankin be confident that the regulatory bodies do their job if these breaches continue to be permitted?</p>
IR Request:	<ol style="list-style-type: none">1) That the regulatory agencies provide specific, plain language details about their monitoring responsibilities of AEM's project proposal.2) That the regulatory agencies provide specific, plain language details about the repercussions if AEM is out of compliance in their discharge of treated groundwater effluent.
Government of Canada – CIRNAC Response:	<p>1) The Project requires the following authorizations under the Nunavut Agreement and Federal Legislations: a Conformity Decision from the Nunavut Planning Commission (NPC), a Project Certificate from the NIRB and a Water Licence from the Nunavut Water Board (NWB). In addition, AEM requires a Crown Land Lease for Crown lands from CIRNAC and authorizations from other Federal Regulatory Departments. Further non-federal agency authorizations may also be required.</p> <p>CIRNAC, along with AEM and other regulatory agencies, has shared compliance and effects monitoring responsibilities related to the Project as specified in the <i>Nunavut Agreement, Nunavut Planning and Project Assessment Act (NuPPAA), Nunavut Waters</i></p>



	<p><i>and Nunavut Surface Rights Tribunal Act (NWNSRTA) and Nunavut Waters Regulations.</i></p> <p>On July 19, 2020, CIRNAC issued the <i>Saline Effluent Discharge and Diffuser Lease</i> to AEM in accordance with the <i>Arctic Waters Pollution Prevention Regulations (AWPPR)</i> and the <i>Territorial Lands Regulations</i>. The Lease allows AEM to discharge industrial waste into Melvin Bay only when the discharge meets <i>Metal and Diamond Mining Effluent Regulations (MDMER)</i> criteria. Furthermore, the Lease conditions include requirements for AEM to:</p> <ol style="list-style-type: none">a. Provide the Minister of Northern Affairs with a copy of all monitoring reports and correspondence that AEM sends to ECCC;b. Report to the Minister of Northern Affairs without delay, any discharge from the Saline Effluent Pipeline and Diffuser that exceeds the criteria set out in the <i>MDMER</i>; andc. Pay its proportionate share of the costs involved in necessary remedial measures of any harmful environmental change caused by AEM's operations, as determined by the Minister, pursuant to Section 6 of the <i>Arctic Waters Pollution Prevention Act (AWPPA)</i>. <p>CIRNAC's monitoring responsibilities for the Project are further fulfilled by reviewing Project annual reports and providing expert advice and comments to the NIRB in accordance with the Project Certificate and to the Nunavut Water Board in accordance with the Water licence.</p> <p>In addition, CIRNAC Inspectors, Enforcement Officers and Pollution Prevention Officers appointed by the Minister of Northern Affairs as designated persons, in accordance with <i>NuPPAA</i>, <i>NWNSRTA</i>, <i>Territorial Lands Act (TLA)</i>, <i>AWPPA</i> have the power to inspect the mine site and diffuser to verify compliance or prevent non-compliance with the Acts. These Inspectors conduct quarterly site inspections to ensure that the mine is operating within approval and land lease conditions. During site inspections, Inspectors may examine documents and records relating to the object of the inspection and/or request information from AEM. Once completed, inspectors prepare site inspection reports which include observations, recommendations and direction to take corrective measures, where necessary.</p> <p>For example, as a requirement under Section 42 of the Saline Effluent Discharge and Diffuser Lease, AEM reported discharging</p>
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	<p>effluent that did not meet the discharge criteria as a spill to the Minister through the NT-NU Spill Line. By doing so, AEM was in compliance of their licence regarding the effluent discharge notification.</p> <p>2) CIRNAC Inspectors have the powers to order a person or corporation to stop undertaking activities that are contrary to <i>NuPPAA</i>, <i>NWNSRTA</i> or <i>TLA</i>. The Inspectors can also take necessary actions against the person or corporation to comply with the Acts or to reduce the negative impacts of the activities conducted by that person or corporation. For example, any person or corporation who contravenes various provisions of <i>NuPPAA</i> is guilty of committing an offence punishable on summary conviction and is subject to a fine of not more than \$100,000 or to jail for a term of not more than one year, or to both. Under <i>NWNSRTA</i>, the punishment is dependent on the type of offence. For a type A Water Licence as is held by AEM, the first punishable offence is subject to a fine of not more than \$250,000 or to jail for a term of not more than one year, or to both.</p>
References:	<ul style="list-style-type: none">• <i>Nunavut Agreement</i>, Section 12.7.3• <i>NuPPAA</i>, Section 135(4)• CIRNAC Land Administration Lease (No. 55K/16-42-2), Paragraphs 41, 42 and 43• <i>AWPPR</i>, Section 6• <i>MDMER</i>, Section 4(1)• <i>AWPPA</i>, Section 6• <i>NuPPAA</i>, Section 209• <i>NWNSRTA</i>, Section 85(1)• <i>TLA</i>, Section 32(1)• <i>AWPPA</i>, Section 14(1)• <i>NuPPAA</i>, Sections 74, 147, 152, 208, 214 and 219
Government of Canada – DFO Response:	<p>1) On behalf of DFO, the Fish and Fish Habitat Protection Program (FFHPP) is responsible for leading the review of project proposals and monitoring reports for works in and/or around fisheries waters, and for ensuring that such proposed works, activities and undertakings are conducted in such a way that the proponents are in compliance with the applicable provisions of the <i>Fisheries Act</i>. Sub-section 35 (1) of the <i>Fisheries Act</i> states that “No person shall carry on any work, undertaking or activity that results in the harmful alteration, disruption or destruction of fish habitat.” DFO’s monitoring responsibility concerning groundwater effluent is captured in reviewing AEM’s monitoring reports.</p>



	<p>2) The deposit of deleterious substances into an aquatic environment falls under Sub-section 36(3) of the <i>Fisheries Act</i> and falls under ECCC's Mandate. In the event that the out of compliance discharge of total suspended solids (TSS) results in an accumulation of sediment that impacts fish and fish habitat, DFO has regulatory processes that can be implemented. Appropriate levels of action may be decided through the engagement of an occurrence process, and/or through investigation to determine specific repercussions for noncompliance.</p>
References:	<ul style="list-style-type: none">• <i>MDMER</i> (2020) Section: Reporting Monitoring Results.