



Nunavut Impact Review Board

2019-2020 Annual Monitoring Report

Meadowbank Gold Mine and Whale Tail Pit Projects

Agnico Eagle Mines Limited

NIRB File Nos. 03MN107 & 16MN056



December
2020

Full Report Title: The Nunavut Impact Review Board’s 2019 – 2020 Annual Monitoring Report for the *Meadowbank Gold Mine Project* (NIRB File No. 03MN107) & *Whale Tail Pit Project* (NIRB File No. 16MN056)

Projects: Meadowbank Gold Mine Project (NIRB File No. 03MN107)
Whale Tail Pit Project (NIRB File No. 16MN056)

Project Location: Kivalliq Region, Nunavut

Land Tenure: Inuit Owned Lands and Crown Lands

Project Owner: Agnico Eagle Mines Limited
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Monitoring Period: October 2019 – September 2020

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Photo credit: Agnico Eagle Mines Limited

Cover photos: Portage Pit
Vault, Phaser, and BB Phaser Pits
Whale Tail Pit

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LIST OF ACRONYMS

Agnico Eagle	Agnico Eagle Mines Limited
ARD	Acid Rock Drainage
AWAR	All-Weather Access Road
CAAQS	Canadian Ambient Air Quality Standards
CCME	Canadian Council of Ministers of the Environment
CIRNAC	Crown-Indigenous Relations and Northern Affairs Canada
CREMP	Core Receiving Environment Monitoring Program
DFO	Fisheries and Oceans Canada
ECCC	Environment and Climate Change Canada
FEIS	Final Environmental Impact Statement
GN	Government of Nunavut
GN-DoE	Government of Nunavut, Department of Environment
HHS	Hunter Harvest Survey
HOL	Height of Land
HTO	Hunters and Trappers Organization
INAC	Indigenous and Northern Affairs Canada
KIA	Kivalliq Inuit Association
km	kilometre
m	metre
MDMER	Metal and Diamond Mining Effluent Regulations
ML	Million Litre (note that metal leaching is abbreviated as ARD-ML)
NIRB	Nunavut Impact Review Board
NRCan	Natural Resources Canada
<i>Nunavut Agreement</i>	<i>Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada</i>
<i>NuPPAA</i>	<i>Nunavut Planning and Project Assessment Act, S.C. 2013, c. 14, s. 2</i>
NWB	Nunavut Water Board
PEAMP	Post-Environmental Assessment Monitoring Program
QA/QC	Quality Assurance/Quality Control
SEMC	Socio-Economic Monitoring Committee
SEMP	Socio-Economic Monitoring Program
TAG	Terrestrial Advisory Group
TEMP	Terrestrial Ecosystem Management Plan
TC	Transport Canada
TSF	Tailings Storage Facility
TDS	Total Dissolved Solids
TSS	Total Suspended Solids
VEC	Valued Ecosystemic Component
WAL	Wally Lake
WRSF	Waste Rock Storage Facility

1.0 INTRODUCTION

The Nunavut Impact Review Board (NIRB or Board) was established through Articles 10 and 12 of the *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada (Nunavut Agreement)* and is responsible for the assessment of ecosystemic and socio-economic impacts of projects in the Nunavut Settlement Area pursuant to the *Nunavut Agreement*. The NIRB is responsible for post environmental assessment monitoring of projects in accordance with Part 7 of Article 12 of the *Nunavut Agreement* and s. 135 of the *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 14, s. 2 (*NuPPAA*). The purpose of the NIRB's monitoring program as outlined in Section 12.7.2 of the *Nunavut Agreement* and s. 135(3) of the *NuPPAA* are as follows:

- (a) *measure the impact of the project on the ecosystemic and socio-economic environments of the designated area;*
- (b) *determine whether the project is carried out in accordance with the terms and conditions imposed under subsection 152(6) or set out in the original or amended project certificate;*
- (c) *provide the information necessary for regulatory authorities to enforce the terms and conditions of licences, permits or other authorizations that they issue in relation to the project; and*
- (d) *assess the accuracy of the predictions contained in the project impact statement.*

As such, this report provides findings that resulted from the Board's monitoring programs for the Meadowbank Gold Mine and the Whale Tail Pit Projects from October 2019 to September 2020.

1.1 PROJECT HISTORY AND CURRENT STATUS

1.1.1 Meadowbank Gold Mine Project

On December 30, 2006 pursuant to Section 12.5.12 of the *Nunavut Agreement*, the NIRB issued Project Certificate No. 004 for the Meadowbank Project, allowing the Meadowbank Project to proceed in accordance with the Terms and Conditions issued therein. In November 2009, the NIRB formally amended Project Certificate No. 004 to include an amendment to Condition 32 pursuant to *Nunavut Agreement* 12.8.2 and an approval to change the name of the assignee from Cumberland Resources Ltd. to Agnico Eagle Mines Limited (Agnico Eagle or Proponent). In August 2016, the NIRB formally amended the Project Certificate No. 004 to include the Vault Pit Expansion Project proposal for the Project. In December 2018, the NIRB formally amended the Project Certificate No. 004 (Amendment 003) to include the modification for in-pit tailings disposal.¹

¹ Public Registry ID: 321813

Table 1. Meadowbank Gold Mine Project History and Current Status

DATE	ACTIVITY
December 2006	The NIRB issued Meadowbank Project Certificate No. 004 (NIRB 2006a).
June 2007	Agnico Eagle acquired Cumberland Resources Ltd.'s assets.
March 2008	Construction of the all-weather access road from the Hamlet of Baker Lake to the Meadowbank mine site was completed and the road opened to mine-related transportation.
June 2008	Type "A" Water Licence No. 2AM-MEA0815 issued by the Nunavut Water Board (NWB).
November 2009	The NIRB issued an amendment to the Meadowbank Project Certificate to include an amendment to Condition 32 pursuant to <i>Nunavut Agreement</i> 12.8.2 and an approval to change the name of the assignee from Cumberland Resources Ltd. to Agnico Eagle (NIRB 2009).
February 2010	Operations of the Meadowbank Project commenced.
May 2010	Amendment to the water licence issued by Nunavut Water Board (NWB) to allow for an expansion to the Baker Lake fuel tank farm facility which included two (2) additional 10 Million Litre (ML) fuel tanks to a combined total of six (6) 10 ML fuel tanks.
September 2010	The NIRB issued a <i>Nunavut Agreement</i> 12.4.4(a) recommendation to the then-Minister of Indian and Northern Affairs indicating that the proposed expansion to the Meadowbank airstrip project could proceed subject to additional project specific terms and conditions. Additionally, the NIRB expanded its Part 7 <i>Nunavut Agreement</i> monitoring program for the Meadowbank Project to include the airstrip expansion (NIRB File No. 10XN039).
July 2011	The NIRB issued <i>Appendix D – Meadowbank Monitoring Program</i> to Agnico Eagle in accordance with the Project Certificate. ² The Meadowbank monitoring program includes responsibilities for Agnico Eagle, the NIRB, and several Regulatory Authorities and government departments.
January 2013	Agnico Eagle applied to the NWB to amend the site water licence and allow for the expanded airstrip. The request indicated a revision to the original 2010 request (NIRB File No. 10XN039) which substantially reduced the impact to Third Portage Lake and included construction of the expansion during the winter season.
April 2013	The NWB approved the proposed modification to the airport expansion and the airport extension was completed.
July 2014	Agnico Eagle applied to Fisheries and Oceans Canada for a <i>Paragraph 35(2)(b) Fisheries Act Authorization (Normal Circumstances)</i> to expand its current Vault pit operations into Phaser Lake to access additional gold deposits and defer the operations closure date later in 2017.

² Public Registry ID: 288621

DATE	ACTIVITY
June 2015	Dewatering of Vault Pit completed.
April 2015	Mining activities ceased at Bay-Goose Pit.
August 2016	The NWB granted Agnico Eagle's request to renew and amend the water licence and issued the amended Licence No. 2AM-MEA1525 for a 10-year period.
August 2016	1) Following a technical review and a public hearing, the NIRB formally approved the Vault Pit Expansion and amendment to the Project and issued an amended Meadowbank Gold Mine Project Certificate on August 19, 2016. 2) Dewatering of the Phaser Lake commenced.
October 2016	Dewatering and fish-out program of the Phaser Lake complete.
December 2017	Agnico Eagle submitted application to the Nunavut Planning Commission that included a proposed modification of Agnico Eagle's tailings disposal from the current method (use of current tailings storage facility) to an in-pit tailings disposal in Portage Pit A, Portage Pit E, and Goose Pit.
March 2018	Mining activities ceased at Portage Pit A.
October 2018	Mining activities ceased at Phaser Pit.
November 2018	The Responsible Ministers accepted the Board's recommendations for the In-Pit Tailings Disposal Modification to proceed under existing Terms and Conditions of Project Certificate No. 004, with one (1) additional term and condition.
December 2018	Following a technical review, the NIRB formally approved the In-Pit Tailings Disposal Modification at the Meadowbank Project and issued an amended Meadowbank Gold Mine Project Certificate on December 21, 2018.
March 2019	Mining activities ceased at Vault Pit.
June 2019	Mining activities ceased at BB Phaser Pit.
July 2019	In-Pit tailings disposal at Goose Pit commenced.
September 2019	Mining activities ceased at Portage Pit E. All active mining completed.

1.1.2 Whale Tail Pit Project

In March 2018, pursuant to Section 12.5.12 of the *Nunavut Agreement* and s. 111(1) of the *NuPPAA*, the NIRB issued Project Certificate No. 008 for the Whale Tail Pit Project, allowing the Whale Tail Pit Project to proceed in accordance with the Terms and Conditions issued therein.³ In February 2020, the NIRB formally amended the Project Certificate No. 008 (Amendment 001) to include the Whale Tail Pit Expansion Project Proposal (the Expansion Proposal), which involves expansion of Whale Tail Pit, the addition of a new pit, as well as underground mining.

³ Public Registry ID: 316138

Table 2. Whale Tail Pit Project History and Current Status

DATE	ACTIVITY
March 2018	The NIRB issued Project Certificate No. 008 for the Whale Tail Pit Project.
May 2018	Type "A" Water Licence No. 2AM-WTP1826 issued by the NWB.
June 2018	Expansion of the Whale Tail haul road commenced.
July 2018	1) <i>Paragraph 35(2)(b) Fisheries Act</i> Authorization (16-HCAA-00370) issued by the Fisheries and Oceans Canada. 2) Construction of Whale Tail dike commenced.
August 2018	Fish-out program of the North Basin of Whale Tail Lake commenced.
November 2018	1) Completion of Whale Tail haul road. 2) Agnico Eagle applied for the Whale Tail Pit Expansion Project, a proposed modification to the approved Whale Tail Pit Project. The NIRB initiated formal reconsideration of terms and conditions of Project Certificate 008.
March 2019	Completion of Whale Tail dike.
August 2019	Public Hearing for the Whale Tail Pit Expansion Project and reconsideration of terms and conditions of Project Certificate 008.
October 2019	The NIRB released the Reconsideration Report and Recommendations for the Whale Tail Pit Expansion Project Proposal.
January 2020	The Minister of Northern Affairs accepted the Board's decision on the Expansion Proposal.
February 2020	The NIRB issued the amended Whale Tail Pit Project Certificate No. 008.

1.2 PROJECT COMPONENTS

1.2.1 Meadowbank Gold Mine Project

The Meadowbank Gold Mine Project as operated by Agnico Eagle consists of an open pit gold mine located approximately 70 kilometres (km) north of the Hamlet of Baker Lake on Inuit-owned surface lands. The project components include the Meadowbank mine site (main mine site); Vault mine site; marshalling facilities in Baker Lake; and a 110 km all-weather access road (AWAR) connecting the Hamlet of Baker Lake with the Meadowbank mine site. The main mine site consists of camp facilities, mill, waste rock facility, landfill, landfarm remediation site, tailings storage facility and Portage attenuation pond, airstrip, fuel tank farm, airstrip, waste and hazardous materials storage area, incinerator, and mine areas including the Goose and Portage pits. The Vault mine site consists of a maintenance shop, shelter/refuge facility, waste rock storage facility, water management facilities, haul roads, and mine areas including the Vault, Phaser, and BB Phaser pits. Active mining has ended at all pits as the ore has been depleted as follows: Goose Pit in April 2015, Portage Pit A in March 2018, Vault Pit in March 2019, Phaser Pit in October 2018, BB Phaser Pit June 2019, and Portage Pit E in October 2019. Agnico Eagle plans to continue with in-pit tailings deposition in Portage and Goose Pits, as well as routine operational activities at the main mine site through 2020.

In addition to the mining infrastructure and activities, ancillary Project infrastructure is located approximately two (2) km east of the Hamlet of Baker Lake and consists of: barge unloading facilities; a laydown storage and marshalling area; a temporary laydown storage area for cyanide; a 60 ML fuel tank farm with the fuel tank farm expanded to 80 ML in 2019; associated interconnecting roads; and a 110 km AWAR from the Hamlet of Baker Lake to the Meadowbank mine site.

1.2.2 Whale Tail Pit Project

The Whale Tail Pit Project as proposed by Agnico Eagle includes the development of an open pit gold mine located at the Amaruq property approximately 150 km north of the Hamlet of Baker Lake and approximately 50 km northwest of the Meadowbank Project. The project components include the main camp, associated mining infrastructure, and one (1) open pit, North Basin of the Whale Tail Lake. Ore from the proposed mine site is hauled by truck via an approximately 65 km Haul Road, to the Meadowbank mine site for milling. The Whale Tail Pit Project will require the use of existing infrastructure at the Meadowbank mine site and the Baker Lake facility in order to support the mine activities. Construction of the Whale Tail Pit project components began mid-2018, with major infrastructure completed by March 2019. Key activities included construction of the main camp facilities, construction of the dike separating the north and south basins of Whale Tail Lake, fish-out and dewatering of the North Basin, and expansion of the Whale Tail Haul Road (WTHR).

Mining began at the North Basin in Q2 of 2019, achieving full commercial production by September 2019. Development of Whale Tail Pit is intended to allow for access to an estimated 8.3 million tonnes (Mt) of ore. Construction of secondary infrastructure including surface water management structures, main camp expansion, pads, and on-site access roads, and dismantling of the exploration camp is planned for 2020 to support continued operational activities at the Whale Tail site.

In November 2018, Agnico Eagle proposed an amendment to the Whale Tail Pit Project to include expansion of Whale Tail Pit, development of a new open pit (IVR Pit), and underground mining below both open pits. The Whale Tail Pit Expansion Project Proposal (the Expansion Proposal) would extend the extraction of ore over an approximate four-year period and generate an additional 15.2 Mt of ore. In 2020, following an amendment process, the Expansion Proposal was approved to proceed. Ore will be hauled by truck via the WTHR and require continued use of the existing infrastructure at the Meadowbank mine site and the Baker Lake facilities as per the original Whale Tail Pit Project. The Expansion Proposal will include expansion of the WTHR from the 9.5 metres (m) wide to 15 m, expansion of infrastructure at the Whale Tail Pit site, and construction of new infrastructure to support the development of the IVR Pit.

2.0 MONITORING ACTIVITIES

2.1 GENERAL REPORTING REQUIREMENTS

2.1.1 Reports as required under the Meadowbank Gold Mine Project Certificate No. 004 and the Whale Tail Pit Project Certificate No. 008

The Proponent has provided the following updated items as required by the terms and conditions contained within Project Certificate No. 004 (Amendment 003) and Project Certificate No. 008 for the current monitoring period of October 2019 through September 2020 as outlined in [Table 3](#).

Table 3. Management/Monitoring plans submitted for the Meadowbank Gold Mine and Whale Tail Pit Projects

REPORT	SUBMISSION DATE	VERSION
MEADOWBANK GOLD MINE PROJECT		
Baker Lake Bulk Fuel Storage Facility: Environmental Performance Monitoring Plan	April 2020	5
Water Management Plan	April 2020	8
Pore Water Quality Monitoring Program	April 2020	2
Waste Rock and Tailings Management Plan	April 2020	10
Meadowbank Interim Closure and Reclamation Plan 2019	April 2020	Rev 1
Groundwater Monitoring Plan	April 2020	11
WHALE TAIL PIT PROJECT		
Water Management Plan	April 2020	4
Waste Rock Management Plan	April 2020	5
Thermal Monitoring Plan	April 2020	3
Groundwater Monitoring Plan	April 2020	3
Landfill and Waste Management Plan	April 2020	2
Migratory Bird Protection Plan	April 2020	3
Greenhouse Gas Reduction Plan	April 2020	3
Haul Road Management Plan	April 2020	3
MEADOWBANK GOLD MINE PROJECT & WHALE TAIL PIT PROJECT (COMBINED)		
Emergency Response Plan	April 2020	14
Hazardous Materials Management Plan	April 2020	5
Spill Contingency Plan	April 2020	10
Oil Handling Facility: Oil Pollution Emergency Plan	April 2020	11
Aquatic Effects Management Program	April 2020	4
Blast Monitoring Program	April 2020	4
Terrestrial Ecosystem Management Plan	June 2019	7

REPORT	SUBMISSION DATE	VERSION
Quality Assurance / Quality Control Plan	April 2020	5
Air Quality and Dustfall Monitoring Plan	April 2020	5

On April 21, 2020 the NIRB received Agnico Eagle’s *Meadowbank Gold Mine Project and Whale Tail Pit Project 2019 Annual Report (2019 Annual Report)*. On May 6, 2020 the NIRB distributed the report to interested parties with a request that they provide comments relating to effects and compliance monitoring as well as other areas of expertise or mandated responsibility.

2.2 COMPLIANCE MONITORING

2.2.1 Compliance with the NIRB Screening Decision Report 11EN010

One of the recommendations of the NIRB’s March 7, 2017 Screening Decision Report for Agnico Eagle’s “Amaruq Exploration Access Road – Additional Quarry Amendment” project (File No. 11EN010; now referred to as the “Amaruq Project”) is that Agnico Eagle include a summary of activities undertaken within its Annual Report for the Meadowbank Gold Mine Project (File No. 03MN107). Agnico Eagle included within its *2019 Annual Report* an account of the activities associated with the Amaruq project that occurred in 2019 (Agnico Eagle 2019c).

2.2.2 Compliance with NIRB Project Certificate No. 004 – Meadowbank Gold Mine Project

[Appendix I](#) documents Agnico Eagle’s compliance achievements with Project Certificate No. 004 from 2019 to 2020. During this reporting period, the Proponent was successful in generally meeting the objectives of monitoring and mitigation plans and procedures put in place for the projects. However, certain outstanding issues will require the Proponent’s attention as discussed throughout this report, with a focus on the main issues identified in this monitoring period. There are several terms and conditions that the Proponent has yet to fully achieve or make progress towards achieving, specifically term and conditions: 13, 25, 34, 36, 59, 61, 62, 68, 72, 74. The NIRB has provided direction in both Appendix I with each term and condition, as well as in Sections [3.0](#) and [4.0](#).

2.2.2.1 Proponent’s Responses to the Board’s 2019 Recommendations

On October 25, 2019 the Board issued several recommendations to Agnico Eagle resulting from the NIRB’s 2018-2019 monitoring efforts including the 2019 site visit⁴ for the Meadowbank Gold Mine Project. On November 25, 2019 Agnico Eagle provided responses to address each of the Board’s 2019 Recommendations⁵. Following receipt of Agnico Eagle’s response the NIRB and Agnico Eagle met to discuss and clarify the expectations of the Board’s 2019 Recommendations. The NIRB requested a supplementary submission be provided by Agnico Eagle by January 31, 2020 in order to satisfy the

⁴ Public Registry ID: 327053

⁵ Public Registry ID: 327545 through 327548

Board’s Recommendations and the NIRB’s Monitoring Report recommendations. On January 31, 2020 the NIRB received Agnico Eagle’s supplemental submission. Both of Agnico Eagle’s response submissions are summarized in Table 4.

Table 4. NIRB 2019 Recommendations for the Meadowbank Gold Mine Project and Agnico Eagle’s Responses

#	BOARD RECOMMENDATION	AGNICO EAGLE’S RESPONSE
1	<p>The Board requests that Agnico Eagle Mines Ltd. provide an explanation why deterrents were not put in place around the fuel tank farm at Baker Lake or quarry 22 in 2018 where birds have nested and has necessitated the removal of a nest or delay of work. In addition, a proposed timeline of activities for the remediation of quarry 22 and any other quarry sites along the all-weather access road that has been used by raptors should be included.</p> <p>The requested information should be provided to the Board within 30 days following the issuance of this recommendation.</p>	<ul style="list-style-type: none"> ▪ Agnico Eagle will put effort to eliminate wildlife attraction at the Meadowbank landfill by employing approved deterrents for carnivores. Other waste storage areas are well contained and did not show any problems with wildlife. ▪ Deterrents were previously installed on top of the Baker Lake fuel tank farm, however high wind destroyed the deterrents and made them inefficient. In Agnico Eagle’s view, Condition 25 does not specifically require the use of deterrent at the Baker Lake fuel farm as it is not a waste storage area or landfill, however Agnico will reinstall a deterrent to avoid bird nesting. ▪ Deterrents will be installed before the next 2020 nesting season in Quarry 22 at Meadowbank in order to continue the soil decontamination. If the use of deterrents are successful, remediation of Quarry 22 will continue. ▪ No remediation works were performed in quarries along the AWAR in 2018, and thus, the presence of falcon in quarries does not represent for Agnico a concern at this moment. Timeline for remediation of quarries along the AWAR are provided in the Interim Closure and Reclamation Plan (ICRP); reclamation is planned to be completed in the post-closure timing. <p style="text-align: center;"><u>Additional Information</u></p> <ul style="list-style-type: none"> ▪ The current timeline for quarry reclamation is scheduled for 2031-2032. Progressive closure opportunities will be added in the upcoming

		update to ICRP and provided in <i>2019 Annual Report</i> .
2	<p>The Board requests that Agnico Eagle Mines Ltd. provide an explanation of why local marine mammal monitors were not used for all vessels transporting fuel or materials for the Meadowbank Gold Mine Project during the 2018 season. This explanation should also include a description of any alternative monitoring and mitigation employed by the Proponent and its effectiveness and/or confirmation of planned efforts. A proposed timeline to achieve full compliance with Term and Condition 36 of Project Certificate No. 004 Amendment 003 must also be provided.</p> <p>The requested information should be provided to the Board within 30 days following the issuance of this recommendation.</p>	<ul style="list-style-type: none"> ▪ Committed to meet compliance with Condition 36 and intends to seek out monitoring from Chesterfield Inlet when possible. For multiple reasons (sickness, family related matters, personal issues, alternative work), availability of possible monitors being challenging in that area, monitors could be hired from other local communities. ▪ Recruitment is done within community to find reliable and available monitors willing to board vessels for significant time period and proved to be challenging. Agnico Eagle toured Chesterfield Inlet and other communities in March 2019 to advertise the position, including meetings with hamlet and Hunters and Trappers Organization (HTO) representatives. ▪ Monitors were hired in the fall 2019 from other communities in the Kivalliq region to supplement Chesterfield Inlet monitors during shortages. ▪ As per Condition 40 of Project Certificate No. 008, Agnico Eagle has worked with the shipping contractor Desgagnés Group to provide training on marine mammal identification and observation as part of the Marine Mammal Management and Monitoring Plan. As an alternative to ensure data collection as per Condition 36, Agnico Eagle will evaluate the possibility of the Desgagnés Group conducting the marine mammal monitoring from Helicopter Island to Baker Lake infrastructures. <p style="text-align: center;"><u>Additional Information</u></p> <ul style="list-style-type: none"> ▪ Will provide the 2020 monitoring plan related to Term and Condition 36 along with monitoring activities in 2019 within the <i>2019 Annual Report</i>.

<p>3 The Board requests that Agnico Eagle Mines Ltd. provide a written submission on whether the predictions in the Final Environmental Impact Statement (FEIS) has potentially underestimated the amount of dust produced on the mine site including along the all-weather access road (AWAR) as the AWAR is considered a surface/project road by the NIRB. The submission must identify where original impact predictions can no longer be supported based on project experience to date and include an analysis of the effectiveness of management and mitigation strategies employed. The update must also provide a summary of lessons learned from the Project which can be used to improve future performance at this and other mining developments in Nunavut. Further, a justification for the validity of using these predictions as a comparison to the data currently being collected along the AWAR is to be provided.</p> <p>The requested information should be provided to the Board within 30 days following the issuance of this recommendation.</p> <p>Recommendations related to concerns with respect to applying dust suppressants along the mine roads for Meadowbank and with respect to the dust methodology are addressed under the Whale Tail Pit section of this Board memo.</p>	<ul style="list-style-type: none"> ▪ Modelled predictions of fugitive dust emissions from the mine site, or any unpaved haul road should not be considered definitive. Predictions should be used as a tool to evaluate the potential for dust deposition to occur. ▪ Methodology in the FEIS used to evaluate the dustfall deposition rate and ambient concentrations is consistent with method used in modern air quality assessments. Input parameters were quantified based on industry-standards, standard models, and methodology. If the input parameters were to change, it could be reasonably assumed that a commensurate change in the predicted deposition rates next to the roads and other fugitive dust sources could be expected. There is no reason to suggest that the FEIS predictions underestimated fugitive dust deposition rates. There is a high level of uncertainty with fugitive dust deposition. Standard emission factors consider particles in the size range of approximately 30 microns in aerodynamic diameter and smaller. Particles larger than this are often captured in collection jars. Largest particles are not included in the analysis and therefore modelled predictions are conservative. ▪ The Board is asked to consider the dust monitoring results in full context, which show the majority of data compliant with the applicable guidance with few outliers and no trend toward increasing concentrations or deposition rates. <p style="text-align: center;"><u>Additional Information</u></p> <ul style="list-style-type: none"> ▪ Further analysis on FEIS predictions including comparison of monitoring results to FEIS predictions included in PEAMP update. ▪ Committed to provide an updated Air Quality and Dustfall Monitoring Plan in <i>2019 Annual</i>
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		<p><i>Report</i>, to include dust management and dust suppression on all surface roads.</p> <ul style="list-style-type: none"> ▪ Views lessons learned as not a requirement of the Project Certificate.
4	<p>The Board requires that Agnico Eagle Mines Ltd. (Agnico Eagle) begin implementation of the post-environmental assessment monitoring program (PEAMP) for the Project within the next annual report due March 31, 2020. The program updates must include:</p> <ol style="list-style-type: none"> 1) A discussion that references the baseline and all the years that monitoring data has been collected and identifies any trends for each valued ecosystem component where an effect has. Include this information in table and graphic format in order to clearly demonstrate what is being observed; 2) Identify of instances where original and/or amended impact predictions can no longer be supported based on project experience to date and include an analysis of the effectiveness of management and mitigation strategies currently employed; and 3) Include a summary of lessons learned from the Project to date which can be applied to both updating existing project plans and to any of Agnico Eagle’s other planned or ongoing projects as applicable. <p>The summary report should be provided to the Board within 60 days following the issuance of this recommendation and shall be included in future annual reports.</p>	<ul style="list-style-type: none"> ▪ NIRB held a discussion with Agnico Eagle on November 6, 2019 to clarify the expectations regarding the PEAMP for Meadowbank. ▪ An updated PEAMP summary for 2018 was provided on December 25, 2019. ▪ Completed a PEAMP evaluation for each valued ecosystem component (VEC) identified in the FEIS and included five (5) parts: <ul style="list-style-type: none"> ○ Part 1: predicted residual impacts are summarized for current project phase (operations). ○ Part 2: for each predicted impact, current-year monitoring results are reviewed/summarized. ○ Part 3: where monitoring results do not support an impact prediction, a trend analysis is conducted to review all baseline and monitoring data, and discussion provided. ○ Part 4: Previously reported trend analyses are updated regardless of current year monitoring results. ○ Part 5: where monitoring results do not support an impact prediction, a review of mitigation and monitoring methods is provided, including adaptive management approaches. ▪ Asserts that a summary of lessons learned is not a requirement of the PEAMP according to the Project Certificate. ▪ Will provide a similar PEAMP summary for 2019 in the <i>2019 Annual Report</i>.

2.2.3 Compliance with NIRB Project Certificate No. 008 – Whale Tail Pit Project

[Appendix II](#) documents Agnico Eagle’s compliance achievements with Project Certificate No. 008 from 2019 to 2020. During this reporting period, the Proponent was successful in generally meeting the objectives of monitoring and mitigation plans and procedures put in place for the projects. However, certain outstanding issues will require the Proponent’s attention as discussed throughout this report, with a focus on the main issues identified in this monitoring period. There are several terms and conditions that the Proponent has yet to fully achieve or make progress towards achieving, specifically term and conditions: 1, 2, 5, 12, 30, 35, 40, 58, 60, and 63. The NIRB has provided direction in both Appendix II with each term and condition, as well as in Sections [3.0](#) and [4.0](#).

2.2.3.1 Proponent’s Responses to the Board’s 2019 Recommendations

On October 25, 2019 the Board issued several recommendations to Agnico Eagle as a result of its 2018-2019 monitoring efforts including the 2019 site visit for the Whale Tail Pit Project. On November 25, 2019 Agnico Eagle provided responses to each of the Board’s 2019 Recommendations. Following receipt of Agnico Eagle’s response to the Board’s 2019 recommendations the NIRB and Agnico Eagle met to discuss the expectations of the Board’s 2019 recommendations. The NIRB requested a supplementary submission be provided by Agnico Eagle by January 31, 2020 in order to satisfy the Board’s recommendations and the NIRB’s Monitoring Report recommendations. On January 31, 2020 the NIRB received Agnico Eagle’s supplemental submission and both of Agnico Eagle’s response submissions are summarized in Table 5.

Table 5. NIRB 2019 Recommendations for the Whale Tail Pit Project and Agnico Eagle’s Responses

#	<u>BOARD RECOMMENDATION</u>	<u>AGNICO EAGLE’S RESPONSES</u>
1	The Board reminds Agnico Eagle Mines Ltd. (Agnico Eagle) that Term and Condition 2 of Project Certificate 008 and Term and Condition 74 of Project Certificate No. 004, Amendment 3 concerns the suppression of dust on all surface/project roads that are used by Agnico Eagle for the Meadowbank and Whale Tail Pit Projects. The surface roads for the two Projects include the all-weather access road, the Whale Tail haul road, and both the Meadowbank and the Whale Tail Pit sites roads. As such, Agnico Eagle must update its Air Quality and Dustfall Monitoring Plan to include the objectives of both these terms and conditions along with a clear indication of timelines and triggers for adaptive	<ul style="list-style-type: none"> ▪ Agnico had provided an updated version of the Air Quality and Dustfall Monitoring Plan (Version 4, March 2019) via the 2018 Annual Report. This updated version was to fulfill ECCC’s concern detailed in the letter submitted on December 16, 2018 related to NIRB 2018 Recommendations. ▪ With the Whale Tail Pit Expansion Project permitting on going, a Version 4.1 was submitted in July 2019 to regulators. ▪ In order to avoid confusion between the Operation Plan Version 4 currently used by Meadowbank and Version 4.1 submitted in regards of the Expansion Project, Agnico Eagle is respectfully requesting to update the Air quality and Monitoring Plan as part of the <i>2019 Annual</i>

	<p>management. Should Agnico Eagle be unable to meet these conditions of the Project Certificates, Agnico Eagle must submit a proposed alternative management measures with discussions and/or justifications for the variance from the terms and conditions.</p> <p>The updated Air Quality and Dustfall Monitoring Plan should be provided to the Board within 60 days following the issuance of this recommendation.</p>	<p><i>Report</i> to be submitted in March 2020. This updated version will include the stakeholder's recommendations and Agnico Eagle's commitment in regards to dust management.</p> <p style="text-align: center;"><u>Additional Information</u></p> <ul style="list-style-type: none"> ▪ Will submit updated Air Quality and Dustfall Monitoring Plan in <i>2019 Annual Report</i>. Update will include more detail regarding dust management and dust suppression on all surface roads.
2	<p>To improve the effectiveness of its dust sampling program and comparability with similar programs at other sites, the Board requires that Agnico Eagle Mines Ltd. install the current dust sampling canisters on stands (or equivalent) at a minimum height of two (2.0) metres above the ground at all dust sampling locations including along the all-weather access road and the Whale Tail haul road. Further, the Board requests that Agnico Eagle ensure that at least one (1) transect along the all-weather access road and one (1) along the Whale Tail haul road (WTHR) include a duplicate set of dust monitoring canisters placed on the ground to ensure comparability between the methodologies.</p> <p>The stands should be in place before the start of next year's dust monitoring program with conformation of implementation of this recommendation provided to the Board within 30 days following installation of the stands.</p>	<ul style="list-style-type: none"> ▪ Agnico Eagle acknowledged NIRB's recommendation and the next dust campaign will be from a sampling height of two (2) metres. One (1) transect along the AWAR and WTHR will have duplicate on the ground. Notification will be provided to NIRB 30 days following the installation of the stands.
3	<p>The Board requires that Agnico Eagle Mines Ltd. (Agnico Eagle) clarify whether engagement with the Baker Lake Hunters and Trappers Organization (BLHTO) and any other parties in 2018 regarding construction of project infrastructure to allow for safe passage of terrestrial wildlife was completed.</p>	<ul style="list-style-type: none"> ▪ Following consultation of the BLHTO, Agnico Eagle re-sloped the WTHR at KM 127 to facilitate the wildlife passage in this area. BLHTO came back once the re-sloping was finalized and didn't not express any other concern.

<p>If so, include details regarding the selection of areas for proposed wildlife crossings. If this information is not available, justification as to why this has not been completed, and information on the timeline and proposed activities that Agnico Eagle is planning to conduct to meet this term and condition for all project infrastructure should be provided.</p> <p>The action plan should be provided to the Board within 30 days following the issuance of this recommendation.</p>	<ul style="list-style-type: none"> ▪ Within the Terrestrial Advisory Group (TAG), permeability and road design discussions are ongoing and will meet satisfaction of all parties. Different projects are also ongoing and are being discussed at the TAG, including monitoring movement of caribou with cameras, a pilot drone study and satellite imagery. All of the above projects will be highly useful into the determination of the preferred wildlife passage and behavior on the field. ▪ As part of the Whale Tail Pit Expansion Project, Agnico Eagle has committed to conduct an analysis of available scientific and <i>Inuit Qaujimagatuqangit</i> caribou data (including collar, road sightings, trails, oral testimony and mapping) to determine sections of the haul road that are most likely to be used by migrating caribou. In July 2019, Agnico submitted to NIRB and TAG member a memo to fulfill this commitment. Following this submission, only the KIA provided comments. Agnico Eagle submitted a revised version in August 2019 and only received comments from KIA since submission. Agnico Eagle will make a presentation of its final report to the TAG on November 26, 2019 for final approval. The following step will be to organize a site visit with TAG member to refine further required changes along the WTHR (and based on sections identified in the report provided). The site visit is tentatively planned for Q2 2020. Following this, a Construction Plan, will be provided to TAG members and the NIRB. <p style="text-align: center;"><u>Additional Information</u></p> <ul style="list-style-type: none"> ▪ Committed to better and more detailed reporting of engagement with the BLHTO within the <i>2019 Annual Report</i>.
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2.2.4 Compliance Update by Regulatory Authorities

In the NIRB's May 6, 2020 request to regulatory authorities with expertise or jurisdiction at the Meadowbank Gold Mine and Whale Tail Pit Projects for comments and information with respect to compliance monitoring and/or site inspections undertaken in association with the Project, including specifically:

- a. Provide a summary of any compliance monitoring and/or site inspections undertaken in association with the Project, including specifically:
 - i. Identify the terms and conditions from the Project Certificate which have been incorporated into any permits, certificates, licences or other government approvals issued for the Project, where applicable;
 - ii. A summary of any inspections conducted during the 2019 reporting period, and the results of these inspections; and
 - iii. A summary of the Proponent's compliance status with regard to authorizations that have been issued for the Project.

On or before July 6, 2020 the NIRB received comments from the following parties:

Commenting Party	Public Registry ID
Kivalliq Inuit Association (KIA)	330666; 330091
Government of Nunavut (GN)	330676
Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC)	330657
Environment and Climate Change Canada (ECCC)	330673
Fisheries and Oceans Canada (DFO) [<i>received July 27, 2020</i>]	330848
Transport Canada	330667

Agnico Eagle provided its' responses to parties' comments on August 7 and August 21, 2020.⁶ The following is a *summary* of comments received by parties regarding compliance monitoring.

2.2.4.1 Crown-Indigenous Relations and Northern Affairs Canada

Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) indicated that although CIRNAC is not responsible for implementing water related terms and conditions, CIRNAC has reviewed the Type 'A' Water Licence associated with the Meadowbank Gold Mine and Whale Tail Pit Projects with respect to Project Certificates [No. 004 and No. 008] and has provided concordance tables that outline how the terms and conditions from the Project Certificates have been incorporated into the appropriate Water Licences [Type "A" Water Licence 2AM-MEA1526 (Meadowbank), and Type "A" Water Licence 2AM-WTP1826 (Whale Tail)].

⁶ Public Registry ID: 331023 and 331216

In 2019, CIRNAC conducted three (3) site inspections of the Meadowbank Gold Mine and Whale Tail Pit projects. At the Meadowbank Gold Mine Project, CIRNAC Field Officers noted several compliance issues including improper segregation and storage of hazardous waste, and a potential spill at the Refueling Station. Several compliance issues were also noted by CIRNAC Field Officers at the Whale Tail Pit Project, generally related to proper disposal and storage of hazardous waste, secondary containment requirements, and spill clean-up and remediation. CIRNAC also requested the total volume (in cubic meters) of soils removed from spill sites to be entered into spill follow-up reports moving forward.

Although some issues were identified at both projects, CIRNAC is generally satisfied with Agnico Eagle's response to the concerns raised by inspectors in 2019 and will continue to work with the Proponent to ensure compliance.

2.2.4.2 Fisheries and Oceans Canada

Fisheries and Oceans Canada (DFO) indicated that the Proponent currently operates under multiple *Fisheries Act* Authorizations for the Meadowbank Gold Mine and Whale Tail Pit projects. As a general condition of *Fisheries Act* Authorizations, Agnico Eagle is required to report on their compliance with the *Fisheries Act* Authorizations through annual reporting. DFO will determine Agnico Eagle's compliance status once the reviews of the requisite *Fisheries Act* reports have been completed. DFO – Fish and Fish Habitat Protection Program (DFO-FFHPP) notes that discussions are currently being undertaken regarding modifications to *Fisheries Act* Authorization: 03-HCAA-CA7-00191.

2.2.4.3 Transport Canada

Transport Canada (TC) provided comments according to a review based on the department's mandate and jurisdiction/area of expertise and the available information. TC noted the facility is in compliance with Marine Transportation Security Regulations and the Baker Lake oil handling facility is in compliance with regulatory requirements. Although no inspections were carried out by TC in 2019, two (2) recommendations were made including that Agnico Eagle should notify TC on completion of the Baker Lake Fuel Farm Expansion (Two (2) 10ML fuel tanks), and should submit the Oil Pollution Emergency Plan and Oil Pollution Prevention Plan to TC by July 10, 2020.

2.2.5 Compliance with Instruments

Agnico Eagle noted that regulatory inspections were carried out in 2019 by CIRNAC, ECCC, and the Kivalliq Inuit Association (KIA) at both the Meadowbank and Whale Tail Pit sites. In addition, the BLHTO and the Government of Nunavut conducted site visits for wildlife related purposes. Issues that were noted by inspectors as needing action were corrected and/or compliance reports filed as required.

At the Meadowbank site, Agnico Eagle noted two (2) issues of non-compliance with the Metal and Diamond Mining Effluent Regulations (MDMER) were observed in 2019, including not sampling the required toxicity samples during effluent discharge, and a total suspended solids (TSS) exceedance.

At the Whale Tail Pit site, four (4) exceedances of TSS were observed in 2019 related to the Water Licence 2AM-WTP1826 and the MDMER, including two (2) reportable spills related to dewatering of the Whale Tail North Basin for discharge to Whale Tail Lake South and Mammoth Lake.

Within the Proponent's responses to Transport Canada's recommendations, it indicated that an updated Oil Pollution Emergency Plan and Oil Pollution Prevention Plan was submitted to TC on July 9, 2020.

3.0 EFFECTS MONITORING – IMPACT ASSESSMENT

Effects monitoring can be described as an assessment of the measurable change to a particular environmental or socio-economic component, as compared to the potential effects that were predicted to result from a proposed development. In the case of the Meadowbank Gold Mine and Whale Tail Pit Projects, impact predictions and mitigation measures were outlined and developed throughout the impact assessment of the individual Projects and were recorded and presented through the Proponent's respective Final Environmental Impact Statements, addendums, and other related documents.

3.1 REVIEW OF ANNUAL REPORT BY REGULATORY AUTHORITIES

On May 6, 2020 the NIRB requested that Regulatory Authorities with jurisdiction over the Meadowbank Gold Mine and Whale Tail Pit Projects, or those with specific expertise, provide comments with respect to the effects assessment for the 2019 reporting period. Specifically, comments were requested regarding the following:

- a. Whether the conclusions reached by Agnico Eagle in the *2019 Annual Report* are valid;
- b. Any areas of significance requiring further supporting information or any changes to the monitoring program which may be required.

Tables 6 through 10 that follow provide a *summary* of the comments received from Regulatory Authorities with respect to effects monitoring, and the Proponent's responses.

Table 6. Kivalliq Inuit Association Recommendations for Meadowbank Gold Mine and Whale Tail Pit Project and Agnico Eagle’s Response

<u>TOPIC</u>		<u>RECOMMENDATION</u>	<u>AGNICO EAGLE RESPONSE</u>
Aquatic Environment			
Central Seepage	Dike	Describe what measures have been implemented to limit iron rich water from flowing from the downstream pond to the current and future receiving environment.	Bacterial process only observed in that small body of water and anticipated to no longer occur as water level rises. Water testing will continue at the pond throughout operations. Water quality modelling predictions will continue to be updated and reconnection to natural environment will only be done once water quality objectives are met.
Water Levels	Whale Tail Pit Project	Provide adaptive management thresholds, triggers and responses to water levels in Mammoth Lake, and incorporate into Adaptive Management Plan for Whale Tail. Specific thresholds and action levels are intended to provide clarity to what measures will be taken and when in response to elevated water levels in the receiving environment.	The Adaptive Management Plan is still undergoing Nunavut Water Board approval process. Pond operational guidelines have been developed for the lakes and ponds at Whale Tail to ensure freeboard is respected during operation. All guidelines will be included in the next version of the Whale Tail Water Management Infrastructure Operation, Maintenance, and Surveillance (OMS) Manual.
Water Modelling	Quality	Include descriptions and planning for treatment of water in flooded pits sufficient to meet Canadian Council of Ministers of the Environment (CCME) guidelines and establish aquatic habitat, with the 2020 Annual Report, should monitoring and updates to the water quality forecast indicate treatment may be required. Explore additional habitat offsetting opportunities should modelling and monitoring indicate that end pit lakes may not be viable habitat post-closure without treatment.	Reclaim water in Goose and Portage Pits are sampled on a regular basis to assess changes in water quality parameters over time. Data are compared against forecasted values and model shall be adjusted accordingly. Intends to start water treatment bench scale testing to assess the most suitable treatment processes that can be used at closure to treat reclaim water prior to pit flooding. Plan will be provided in 2020 Annual Report. Does not intend to explore additional habitat offsetting opportunities.

<u>TOPIC</u>	<u>RECOMMENDATION</u>	<u>AGNICO EAGLE RESPONSE</u>
Water Quality Monitoring at ST-16 and NP-2	Continue monitoring water quality at ST-16 and in NP-2 for the full suite of parameters as outlined in Table 18-19 and Table 8-20 until weak acid dissociable (WAD) cyanide is measured below the detection limit for 5 consecutive years.	Will continue to monitor water quality in NP2-South on yearly basis for same suite of parameters measured since 2014. Will continue to sample ST-16 as per the Water Licence Schedule 1 Table II Group 1 and will include the supplemental parameters presented in Table 8-19 of the <i>2019 Annual Report</i> . Does not commit on timeline or threshold for ending the monitoring.
Licence Discharge Limits – Receiving Environment	Compare results from receiving environment lakes to a) historical monitoring data to identify if water quality is changing relative to the normal range, and b) CCME water quality guidelines for protection of aquatic life.	Will evaluate the possibility to provide requested comparison and analysis in the 2020 Annual Report.
Effluent Discharge from AP-5	Tests for acute and sublethal toxicity should be completed for all future discharges regulated under MDMER, not just those which were predetermined by the water licence/project certificate.	Will continue to fulfill requirements of the MDMER for all the effluent discharges on mine site and not only the one predetermined under the Water Licence.
Whale Tail Dike Seepage	Water quality and load balance models, intended for 2020 Annual Report, should include additional sensitivity analysis scenarios focused on the potential for additional contact water. The Water Management Plan should be updated for the Whale Tail Pit Project and provided in the 2020 Annual Report to include mitigation options to manage contact water volumes in excess of the base case scenario presented in the FEIS and Water Licence.	Will update the water quality forecast as per the recommendations in the 2020 Annual Report. Mitigation options were presented in the Adaptive Management Plan. This plan is still undergoing the NWB approval process.
Water Quality Input Parameters	Provide rationale why average water quality conditions were used as inputs for the water quality model for Mammoth, Nemo and Whale Tail Lakes as opposed to more conservative percentile (e.g. 75 th) measurements. Updates to the water quality and load balance models for the Whale Tail site should	Inputs used are consistent with what has been approved for the Phase 1 Permit (Approved Project) and Expansion Project. Magnitude of variability in the baseline water quality is unlikely to impact projected concentrations in downstream environment, conversely there is

<u>TOPIC</u>	<u>RECOMMENDATION</u>	<u>AGNICO EAGLE RESPONSE</u>
	use 75 th percentile at minimum, and sensitivity analysis using the 95 th percentile of measured values in those waterbodies.	uncertainty in water quality of shallow bedrock and deemed conservative assumption to use the 75 th percentile inputs. 75 th and 95 th percentile sensitivities are not necessary given the modelling is not supporting environmental level assessments. Model input are updates when sufficient additional data are available from site monitoring programs.
Interannual Loading to Receiving Environment	Clarify whether water quality model assumes complete flushing of Mammoth Lake each year (i.e., return to baseline conditions) or whether it accounts for interannual loading to the receiving environment. Ensure that all future water quality models account for interannual loading.	The water quality model accounts for interannual loading to the receiving environment and does not assume complete flushing of Mammoth Lake each year. The reader is referred to the water balance report (Golder 2020).
Snow Management and Water Balance Model	Include removal of snow from areas of concern as specified activity in the 2020 Freshet Action Plan. Specify the target snow thickness on each area of concern required to meet the assumptions of the water balance model. Update water quality and load balance models to include scenarios for freshet management that consider snow volumes and thicknesses.	Snow accumulation varies greatly from year to year and determination on removal are made from site inspections and monitoring and identified through water management meetings. A specific snow thickness target is not required to ensure validation of models. A weather station location at both the Meadowbank and Whale Tail sites records daily snow and rainfall which is integrated in the site water balance model. Safety factors are included towards snow accumulation and the model is revised annually. Agnico Eagle is assessing the possibility of monitoring snow thickness around key areas. This would aim towards adding robustness to the models.
QA/QC	Address sample contamination with a particular focus on ammonia and Total Kjeldahl Nitrogen (TKN) in the field protocols implemented as part of the 2020 field programs across all sites.	Acknowledge that measured concentrations for parameters in the equipment blanks, particularly when concentrations are greater than 1-times the detection limit (DL) adds uncertainty to reliability of samples

<u>TOPIC</u>	<u>RECOMMENDATION</u>	<u>AGNICO EAGLE RESPONSE</u>
		collected during the sampling event. If detectable concentrations are measured in the field/equipment blanks the source is investigated. At minimum field personnel review the standard operating procedure for collecting blanks. Subsequent blank results showed non-detects for ammonia and TKN indicated corrective actions were effective. Overall blank results from winter 2020 events show no evidence of cross-contamination that could impact the water quality analysis.
Water Quality Predictions	Address reported divergences from modelled water quality in the receiving environment as part of the 2020 activities at Whale Tail site. Include a summary of mitigation and management measures implemented to address exceedances with reference to the Adaptive Management Plan and a discussion whether closure objectives and timeline will be impacted by the exceedances of FEIS predictions.	Based on modelled water quality predictions in the FEIS (2016) and given the low-magnitude of exceedances and concentration well below associated with effects to aquatic life, no mitigation actions were recommended for 2020 beyond routine monitoring as per the Core Receiving Environment Monitoring Program (CREMP). Water quality model was updated for the Expansion Project. Data will be compared to revised predictions, if parameters exceed modelling results, adaptive management measures may be undertaken if concentrations also exceed guidelines. At present chloride, aluminum and strontium concentrations are well below applicable guidelines.
Nemo Lake as Reference for Mercury Monitoring	Provide discussion in 2020 Mercury Monitoring Report whether Nemo Lake is still appropriate reference site for use in assessing mercury concentrations at Whale Tail Pit Project. Nemo Lake should no longer be considered a spatial reference location if it continues to receive discharges of contact water in volumes qualifying as a discharge location under MDMER.	Will provide the requested discussion as part of the 2020 Annual Report.

<u>TOPIC</u>	<u>RECOMMENDATION</u>	<u>AGNICO EAGLE RESPONSE</u>
Phosphorus Concentration Analysis	Add total phosphorus to the analytical suite for the Environmental Effects Monitoring (EEM) program at the Whale Tail site.	There was a typo in the design report provided to ECCC. Total phosphorus is currently planned to analysed.
Detection Limits for Dissolved Metals at Meadowbank	Request investigation whether any accredited laboratories are able to overcome the detection limit issue for dissolved metals, so that concentrations below predicted values can be reliably measured.	Laboratory services are accredited facilities and reach analysis lower detection limits (LDL) where results can be compared to the CCME guidelines. Currently in process to change facilities that will perform most of the water quality analyses for both sites and will investigate with them whether LDL can be achieved. Will continue to ensure that labs can reach the required DL.
Hydraulic Oil Spills	Discuss recurring hydraulic oil spills and demonstrate what proactive steps will be taken in 2020 (beyond just pre-operation checks) to reduce future spills. Compare 2019 spill rate with previous years.	As hydraulic oil is a major component in the equipment used for mining operations, it follows that these spills count for a high proportion that occurred in 2019. Increase in overall percentage of hydraulic oil spills likely due to shift in operations to Whale Tail (increased hauling, material hardness). Observations from previous year operations at Whale Tail led to changes in practice during winter such as reduced loads, and decreased loading activities in extreme low temperatures. A spill reduction program is ongoing as key component to understand opportunities for improvement.
Sulphur Prill Spills	Discuss risk of dust generation from the sulphur prill (a grade of sulphur used in industrial applications; pellets) spills and clean-up, and possibility that it could become airborne and reach waterbodies. Explain training operators receive in the proper handling of sulphur prill.	Spills immediately cleaned up and transferred to the Meadowbank Tailings Storage Facility (TSF). Prills enclosed within contaminated soil and if not submerged at the TSF, it is covered with clean material to prevent air exposure. Risks of dust is infinitesimal, and risk of reaching waterbody remote. Operators are trained on the telehandler or forklift prior to the right to move any

<u>TOPIC</u>	<u>RECOMMENDATION</u>	<u>AGNICO EAGLE RESPONSE</u>
		reagent bag. 84 hours of training for every employee that need to mix reagent including the transport of the reagent bag.
Fecal Coliform Exceedance	Provide details on cause and corrective action taken for the March 4, 2019 fecal coliform exceedance at the Whale Tail Sewage Treatment Plant.	Agnico Eagle apologizes for the missing follow-up report. The cause of the exceedance was not determined but was assumed to be a cross contamination during sampling, as results after the March 4, 2019 event were all below the limit. Technicians were reminded to make sure to eliminate the possibility of cross-contamination during sampling and preventative maintenance was done on the unit (cleaning and disinfecting all sampling lines).
Seepage at Meadowbank Assay Lab Road	Provide monthly precipitation records for 2019. Clarify cause of significant increase in pumped volume of seepage in 2019, with evidence (i.e. increased rainfall or instrument error). Explain when calibrated flowmeter will be installed and what the monitoring regime will be.	Precipitation data presented that indicates the average rainfall from June to September 2019 is around two (2) times higher than the average of past years while the max precipitation is around 5-6 times higher. Flow reported could also be human error as there is no flowmeter in that system. This system does not discharge to environment, the flow reported are calculated using the pump curve and time of operation of the system. Agnico has modified how pumping data are collected to reduce potential for human error.
Commitment Table	Re-format the table to ensure text can be read and comments easily referenced.	Agnico Eagle has provided an updated Appendix A – Meadowbank and Whale Tail Commitment in Appendix 1 of the responses document.
Surface Water Analysis	Clarify why 50% is and appropriate standard for Relative Percent Difference (RPD) analysis of surface water samples,	An error is recognized in internal communication and an RPD of 40% will be used for future surface water quality analyses, according to CCME guidelines.

<u>TOPIC</u>	<u>RECOMMENDATION</u>	<u>AGNICO EAGLE RESPONSE</u>
	given that both United States Environmental Protection Agency and CCME recommend lower values.	
Water Quality Forecasting	Incorporate metal precipitation into the forecasting model for the TSF reclaim ponds.	Agnico Eagle will continue to use a conservative water/mass balance approach to assess the water quality parameters in the pit and then perform a geochemical equilibrium simulation to evaluate the best case scenario if some of the parameters were to precipitate out of solution.
Mill Effluent Concentrations	Discuss reasons for the deviations from previous year average concentrations measured in mill effluent for nickel and selenium in 2019.	One sample showed a high concentration of total and dissolved nickel concentration, which could be the result of a change in operating parameters in the mill process plant which created a condition that did not favour the precipitation of nickel. It is possible that the nature of the ore being processed leached a lower concentration of selenium in the process water.
Water Treatment Test	Discuss when different treatment options will be tested for the reclaim pond and Portage and Goose Pits.	Refer to previous response for TSF reclaim ponds.
TSS Exceedances	Explain why TSS exceeded limits in May, August, and October, and why turbidity exceeded limits in October during Whale Tail Lake dewatering. Clarify what a 'punctual event' is.	Refer to Appendix 32 of <i>2019 Annual Report</i> . Exceedances summarized and explained. A punctual event is an isolated incident for short duration that was not expected.
Whale Tail Fish Mitigation Measures	Discuss whether reducing the flow rate (to below swimming speed of stickleback) would be a feasible mitigation measure to prevent future harm to fish.	Flow reduction was one of the mitigation measures considered, however initial modification on pumping setup was efficient for this case. An exclusion zone is created around the suction to prevent fish from being drawn into flow. No further impacts noted following modifications. In 2020 pumping of the Northeast Pond was ongoing and no fish incident were observed.

<u>TOPIC</u>	<u>RECOMMENDATION</u>	<u>AGNICO EAGLE RESPONSE</u>
Data Quality, Groundwater Balance	Explain why the quality of the data is considered good, despite more than 55 % of samples not meeting quality criterion. Provide discussion of implications low precision groundwater quality data may have on the water quality predictions for the site (Meadowbank).	Observed concentrations are low in water sampled in the wells. As charge balance is a relative error calculation between cation and anion concentrations, small deviations can lead to significant differences in charge balance calculation results. Therefore, for low-concentration samples, a maximal 15 % charge balance error is considered acceptable. Turbidity may also affect the calculation result.
Groundwater Quality, Meadowbank	Discuss why there was 113 % increase in total cyanide mean annual concentrations in groundwater samples between 2018 and 2019 and whether this indicates an effect of in-pit tailings deposition on groundwater quality.	Measured concentrations close to the DL. Most recent volumes obtained for 2019 October sampling was below DL. Variability close to the DL might be due to analytical method inaccuracy at such low concentrations. To date it is not possible to identify trends for potential effect of in-pit tailings deposition on groundwater quality because more than two (2) years of results are required, and if this is identified it would impact several chemical parameters specific to tailing porewater quality and not only total cyanides.
Terrestrial Environment		
Wildlife Monitoring Summary Report	Use descriptive statistics and trend analyses to report on natural variation and potential mine-related changes in wildlife.	Due to large degree in natural variation, it is difficult to detect indirect effects with only one (1) or two (2) years data. A more comprehensive analysis and discussion of all data monitoring will be completed every three (3) years.
Caribou Decision Tree Reporting	Clear details and analysis for the triggers which led to road closure events are needed. Follow-up monitoring to examine the efficacy of the mitigation at the local scale (as opposed to	GN collared caribou maps are reviewed to understand caribou movements in relation to the Meadowbank Complex, particularly during migration periods. When collared caribou are in close proximity, ground surveys

<u>TOPIC</u>	<u>RECOMMENDATION</u>	<u>AGNICO EAGLE RESPONSE</u>
	conclusions at the seasonal range movement scale) is required.	are increased in frequency. Incidental observations are also considered supplementary information around sensitive seasons. Maps do not reflect the number of animals associated with the collared caribou, and ground surveys are essential to understand groups in relation to the group size thresholds (GST) to trigger mitigation as per the decision trees in the Terrestrial Ecosystem Management Plan (TEMP).
2019 Mitigation Audit	Clarify where and when the 2019 Mitigation Audit results will be presented. Clarify the conditions under which a complete audit in 2020 will be conducted.	Audit is ongoing with the TAG and Agnico Eagle was in the planning stages of a site visit from stakeholder to assess the road conditions for further need of mitigation measures. The site visit was put on hold due to COVID restrictions and will be restarted as soon as feasible. Results and observations will be discussed with TAG.
Road Surveys	Analyse how the 2019 seasonal migration distribution along the road differed from the longer-term distribution/exposure and how this relates to the location of berm engineered crossings proposed for the WTHR widening.	Reported on the distribution of caribou interaction along the WTHR based on multiple data sources, including collared caribou, migration pathways identified by Inuit Qaujimajatuqangit, and haul road surveys. The outcome will inform areas to target for road enhancements to make the WTHR more caribou friendly. Community visits to finalize enhancement locations were planned for 2020 but were delayed due to COVID-19. They will be rescheduled when it is safe to do so.
Traffic Data and Caribou Movements	Clarify whether traffic data presented (number of vehicle trips) are vehicle passages (one passing of a location road regardless of direction) or round trips (two passages of a location).	Refer to Agnico Eagle’s response to the Government of Nunavut on traffic rates.

<u>TOPIC</u>	<u>RECOMMENDATION</u>	<u>AGNICO EAGLE RESPONSE</u>
Caribou Responses to Mitigation	Clarify what mitigation was in place to facilitate caribou road crossings, and the behaviour of caribou groups prior to crossing. Include details of convoys relative to road closures.	A remote camera study is underway along the WTHR to understand possible deflections of caribou prior to crossing roads in consideration of physical parameters of the road and traffic. As results of a pilot study, it is too early to assume photos suggest delays occurred for caribou crossings. Results indicate time differences of five (5) minutes or less to over an hour for caribou crossing after vehicle passage. Deflection is best understood through collections of caribou behaviour monitoring data, in tandem with analysis of remote camera data, and more robust analyses will be undertaken when more data collected.
Caribou Satellite Collaring Program	Conduct analyses at the local scale to quantify collared caribou movement through the mine sites and roads. Clarify that if road closures were so successful at enabling caribou to move through the roads, why is the company restricting the extent of road closures in TEMP Version 8, and what successful mitigation measures would road closures be replaced with.	Analysis has been completed of collared Lorillard caribou movements, which reflects revisions base on GN, KIA and HTO comments. The analyses included examining the duration of movements within 4 km of the WTHR to crossing the road and relative to how long the WTHR was closed. Results show the number of days the WTHR was closed had no influence on the duration of collared caribou movements. Results also demonstrate that caribou move quickly through this area and even a large reduction at the local scale is unlikely to be measurable at the scale of spring migration.
Height of Land (HOL) Surveys	Provide information linking monitoring with management actions.	Height of Land (HOL) surveys are no longer used because they were not effective, a decision supported by the TAG during January and November 2019 meetings and integrated in the TEMP, Version 8. New roadside surveys were implemented in 2020 following a viewshed analysis

<u>TOPIC</u>	<u>RECOMMENDATION</u>	<u>AGNICO EAGLE RESPONSE</u>
		that identified monitoring locations that achieved an approximate 4 km line-of-sight distance, which may improve distances at which caribou groups can be observed.
Remote Camera Protocol	Analyse the photos from 2018 and 2019 camera program for TEMP and TAG review. Analysis should clarify how the camera data contribute as monitoring for mitigation techniques. This analysis should be conducted before the initial 3-year test of the program is completed.	Will work towards providing analyses of camera data to the TAG.
Integration	Provide TAG with a study design for analyses to integrate monitoring results to determine their effectiveness in sampling caribou distribution relative to proposing thresholds.	Will look into the feasibility of providing a study design to the TAG and provide further inputs within future TAG meetings.
Caribou Management Decision Tree	Undertake analyses of caribou sightings relative to group size frequencies relative to thresholds, for example as reported in Environmental Dynamics Inc. (EDI, 2020).	Agnico Eagle has undertaken analysis of road survey in caribou data as they related to the GST.
Dust suppression	Develop a road dust best management practices document that lays out the rules and mitigation measures that can be used to reduce dust generation from the WTHR.	See the Air Quality and Dustfall Management Plan, Section 5, Table 4 which details road dust best management practices and numeric thresholds based on the Alberta Ambient Air Quality Guidelines that will be used to determine when mitigation measures need initiating.
WTHR Management	Clarify why caribou on or immediately adjacent to the road are considered “problems” for the mine.	The term ‘problem’ should not have been used with the WTHR Management Plan. Agnico Eagle will ensure to use more appropriate term in the next update of the management plan.

<u>TOPIC</u>		<u>RECOMMENDATION</u>	<u>AGNICO EAGLE RESPONSE</u>
Geophysical			
2019 Gold Production		Provide explanation of what portion of the 1,782,147 ounces is related to the Nunavut operations of Agnico Eagle. Explain why the Barnet gold deposit, which is based in Quebec, is including in this Annual Report	The general update included productivity of all the Company Divisions. Agnico Eagle will add more detail regarding number reported in the upcoming 2020 Annual Report. Of the 1,782,147 ounces reported, 193,489 ounces were from the Meadowbank/Whale Tail sites.
Water Level Alert		How much more rapidly the alert level has been raised once an anomaly is detected or inferred at the waste rock storage facility (WRSF; Whale Tail) especially given close proximity (i.e., 50 metres) to Mammoth Lake.	Measures to ensure early warning of rising water level include installation of a piezometer, additional pumps and pipelines, and frequent inspection especially during periods of high flow. Operation guidelines are developed to ensure the freeboard is respected for lakes and ponds at Whale Tail site. Clarifies that an authorization from designer was obtained in 2019 to temporarily store water above the operational level of the structure and that the incident was not caused by a delay in raising the alert level.
Blast Monitoring, Peak Particle Velocity (PPV) Exceedances at Whale Tail		How did additional explosives impact water quality in the contact water ponds for the open pits and the WRSF. Particularly the ammonia content.	The amount of additional explosive in these 3 blasts will have negligible impact on the ammonia content and the water quality as it represents a very small portion of the total explosive content used during a year.

Table 7. Government of Nunavut Recommendations for the Meadowbank Gold Mine and Whale Tail Pit Project and Agnico Eagle Response

<u>TOPIC</u>		<u>RECOMMENDATION</u>	<u>AGNICO EAGLE RESPONSE</u>
Helicopter Traffic		1. That the Board direct the Proponent to immediately revise the Project's TEMP to reflect commitments made	1. Helicopter traffic is infrequent, sporadic and on an as-needed basis. Measures are included in the TEMP

<u>TOPIC</u>	<u>RECOMMENDATION</u>	<u>AGNICO EAGLE RESPONSE</u>
	<p>throughout the Nunavut Impact Review Board’s review of the Project, as per term and condition 28 of the Project Certificate.</p> <p>2. That the Board direct the Proponent to revise the 2019 Wildlife Monitoring Summary Report by adding information on helicopter traffic that includes the following elements:</p> <p>2.1. Tables documenting the frequency of helicopter flights associated with the Whale Tail project (including existing Meadowbank infrastructure) and all associated exploration activities. Table should present flight frequencies according to the seasons defined for caribou in the TEMP v. 7.</p> <p>2.2. Maps showing the GPS tracks of all helicopter flights reported in the afore-mentioned tables. Maps to be presented according to the seasons defined for caribou in the TEMP v.7.</p> <p>2.3. Tables and maps showing the seasonal frequency and distribution of flights with cruising altitudes under 300 m; the mandatory minimum specified in the TEMP for avoidance of caribou (AEM 2019, Table 6).</p>	<p>regarding helicopters, updated in TEMP (Version 7) for distance buffers to avoid disturbance to wildlife (Version 8) and communications through helicopter dispatch (Version 8). The commitment is addressed and a standalone helicopter traffic monitoring program is not required.</p> <p>2. Agnico Eagle will evaluate the possibility to provide data in the 2020 Annual Report.</p>
Caribou Movement Effects	<p>1. That the Proponent clarify where, in the 2019 Wildlife Monitoring Summary report, those data, analyses and information supporting the Proponent’s assertion that the collaring program affected caribou movements can be found.</p>	<p>Agnico Eagle provides funding to support the GN’s collaring program under a memorandum of understanding (MOU) but does not contribute input about where deployment should occur. The GN did not communicate intent to deploy collars in 2018 in areas adjacent to the WTHR and AWAR.</p>

<u>TOPIC</u>	<u>RECOMMENDATION</u>	<u>AGNICO EAGLE RESPONSE</u>
	<ol style="list-style-type: none"> 2. That, if such data, analyses and information are not currently presented in the report, they should be provided by the Proponent in a revised version of the report for review and comment by the NIRB, GN and other parties. 3. That if such data, analyses and information cannot be provided by the Proponent, section 17 of the 2019 Wildlife Monitoring Summary Report be revised to remove statements about effects of caribou collaring on caribou movements. 	<p>Scientific literature on the effects of capture and collaring of ungulates supports that it is reasonable to expect that collaring experience would have measurable adverse response to caribou. Additionally, the GN 2018 collaring program occurred within a median distance of 6 km from the Meadowbank Mine infrastructure and coincided with later stages of caribou pregnancy. Therefore, any effect of sensory disturbance from the Meadowbank Mine will be confounded by a behavioural response of the collaring program.</p> <p>Analyses of Lorillard collared caribou on interactions with the WTHR and AWAR showed newly collared caribou in 2018 behaved differently (shorter duration) during spring migration than other collared caribou. An effect was statistically measurable. Agnico Eagle has already provided analysis and evidence to the GN regarding behavioural changes by caribou captured and collared in 2018. The statements in the 2019 Wildlife Monitoring Summary Report are appropriate and do not require removal.</p>
Blasting Measurements	<ol style="list-style-type: none"> 1. That the Proponent clarify how the effect of topography on the measurement of blasting related PPV and peak pressure level (PPL) is accounted for in the study. 2. That the Proponent consider the addition of more monitoring sites, varying in terms of topography between the Whale Pit and measurement location. 	<ol style="list-style-type: none"> 1. Factors considered to select measurement locations for first year of blasting study included prevailing wind conditions, linear pattern, ease of access, and stable ground locations. These factors considered more relevant than local topography. No substantial topographic features between Whale Tail Pit and measurement locations, and so minimal influence on PPL or PPV. A hill was located between Whale Tail

<u>TOPIC</u>	<u>RECOMMENDATION</u>	<u>AGNICO EAGLE RESPONSE</u>
		<p>Pit and measurement location R4 which may partially screen airblast waves and thereby reduce PPL values, but the hill is unlikely to materially influence the blasting study conclusions. The location of R4 may be reconsidered if exceedances of the annoyance threshold (115 decibels).</p> <p>2. Submits that measurement locations are appropriate and will continue for second year of blasting study. If data collected shows exceedances then will reconsider. Four locations are sufficient to achieve objectives and including additional locations logistically challenging and unnecessary. Other locations may require helicopter/ATV access to download data and perform equipment maintenance which would be costly and disruptive. Additional infrastructure (wind turbines, concrete foundations, solar panels) may be required.</p>
Traffic Rates	Provide an explanation of the reported traffic metrics clarifying whether they represent one-way transits or round trips.	Data reported represents the number of one-way transits to or from one location to another location. Agnico Eagle acknowledges the recommendation and will add clarification in the next annual report.
Non-native Plant Study	1. The Proponent should enlist a botanist to confirm that the species identified on site is in fact flixweed and not northern tansy mustard. Should the identification of flixweed be confirmed then the Proponent should undertake the following recommendations pertaining to tracking and containment.	1. Non-native plant surveys are carried out by qualified Golder biologists retained by Agnico Eagle, with botanical knowledge and field experience identifying vascular plants. The 2 species have distinguishing features.

<u>TOPIC</u>	<u>RECOMMENDATION</u>	<u>AGNICO EAGLE RESPONSE</u>
	<ol style="list-style-type: none"> 2. That the Proponent thoroughly survey and create a map showing the current distribution of Flixweed (<i>Descurainia sophia</i>) at the Meadowbank-Whale Tail complex. This map should be provided to the NIRB for placement on the public registry, along with being provide to all members of the Terrestrial Advisory Group. 3. Produce a risk assessment examining: <ol style="list-style-type: none"> a. The potential for the species to colonise undisturbed habitats beyond the disturbed areas of the Meadowbank-Whale Tail complex; b. The impact of this species on efforts to revegetate disturbed areas of the complex with species and plant communities endemic to Nunavut, as required under term and condition 26; and c. The risk of this species to wildlife such as caribou. 4. Develop a monitoring program with study designs and demonstrated statistical power to: <ol style="list-style-type: none"> a. Determine the full extent of this species' current abundance and distribution at the Meadowbank-Whale Tail complex; b. Monitor changes in abundance and distribution; c. Measure the effectiveness of eradication/control programs; 	<ol style="list-style-type: none"> 2. A figure showing survey locations at the Meadowbank Complex, including site, AWAR and WTHR was included in the report. A Figure has been reproduced and updated to identify which locations recorded non-native plant occurrences. 3. Flixweed occurrences appear confined to the Meadowbank Mine site, no recorded instances along the WTHR, and one instance on the AWAR. Will continue to document incidental occurrences as part of the Invasive Plant Monitoring Plan, and report on undisturbed tundra habitat occurrences. Will undertake development of risk assessment focussed on the potential for establishment in undisturbed tundra and potential to affect revegetated disturbed areas. Results will be shared with stakeholders. No available information on risks to arctic wildlife. Effective control can be achieved with mechanical and herbicide treatments, however, use of herbicides on tundra should be avoided. Flixweed does not tend to invade natural plant communities. Agnico Eagle will explore control options to reduce potential spread to non-disturbed habitats. 4. The Invasive Plant Monitoring Program (TEMP, Version 6) measures and uses industry standards to minimize risk of invasive plant introduction due to project activities. The program was initiated in 2019, represent 1 year of data. Monitoring surveys are also

<u>TOPIC</u>	<u>RECOMMENDATION</u>	<u>AGNICO EAGLE RESPONSE</u>
	<p>d. Detect the colonization of undisturbed tundra habitats by this species.</p> <p>5. The Proponent should conduct a review of cleaning and control measures employed at the Meadowbank-Whale Tail complex to prevent non-native species introductions. This review should be conducted in collaboration with subject matter expert(s) in the field of invasive species introduction. The results of this review should be provided to both NIRB and Terrestrial Advisory Group.</p>	<p>occurring in 2020 to inform future survey effort and extent. More years of data is required to complete statistical analysis. As part of the program, Agnico Eagle is committed to monitoring changes in abundance and distribution of species identified by the Canadian Endangered Species Conservation Council (CESCC) as non-native/invasive – which does not include flixweed. Comprehensive monitoring for full extent of flixweed is not possible due to large footprint of Meadowbank Complex. Flixweed populations will continue to be documented.</p> <p>5. Mitigation measures are currently best practices as within the TEMP, however they are continually reviewed and may be expanded upon. Recommendations will be considered for inclusion in next iteration of the TEMP, anticipated in early 2021 per the Project Certificate No. 008.</p>
Monitoring and Mitigation/Adaptive Management	That the Proponent provide all 2019 observational data for caribou, alongside the corresponding monitoring and mitigation responses that were implemented, in the table format previously committed to by the Proponent during the NIRBs review of the Whale Tail Project Expansion Proposal, and that this table be provided to parties for review.	2019 observational data for caribou was already provided to the TAG on July 30, 2020 in the table format committed to during the NIRB's review of the Whale Tail Project.
Caribou Protection Measures (CPM) Compliance	1. That the Proponent explain why Project roads were not closed in response to caribou observations made on the days listed in Table 1 of this comment.	1. Will consider the GN's recommendation for the presentation of data in subsequent annual reports. Implements road closures as stipulated in the TEMP's decision trees, based on collar data, ground

<u>TOPIC</u>	<u>RECOMMENDATION</u>	<u>AGNICO EAGLE RESPONSE</u>
	<ol style="list-style-type: none"> 2. That the Board direct the Proponent to implement the CPMs fully and consistently in the TEMP in accordance with the Group Size and Distance Thresholds specified in the decision trees (AEM 2019 a, Figures 6 to 9). 3. That the Board direct the Proponent to report all observational data for caribou, alongside the corresponding monitoring and mitigation responses that were implemented, in the table format previously committed to by the Proponent during the NIRBs review of the Whale Tail Project expansion proposal. That this table be provided to parties for review in each Annual Report. 4. That for each of the road closures listed in Tables 3.9 and 3.11 of the 2019 Wildlife Summary Monitoring Report, the Proponent explain what criteria and monitoring data were used to make the decision to reopen the road. That the Proponent also provide, summarized in table format, the monitoring data used to support each reopening, for review by the GN and other parties. 5. That for the road closures listed in Tables 3.9 and 3.11 of the 2019 Wildlife Summary Monitoring Report, the Proponent provide information on the number of convoys that occurred on each day and how many vehicles were in each convoy. That the Proponent also explain how the different types of vehicles in these convoys fit the definition of “essential vehicles” as specified in the TEMP. 	<p>surveys. Data is presented in the Wildlife Monitoring Summary Report. The AWAR was closed for partial to full days for 28.5 days in spring and 17.5 days in fall (total 46 days). The WTHR was also closed for partial to full days for total of 56.5 days. Closure dates coincide with caribou road crossing observations and consider collar data from the GN. Mitigations were in place prior to caribou crossing the road. Some mitigation measures such as speed reductions and restricted access were implemented but not reported within the road closures table, and some closure dates not included. Thus, measures were triggered but not logged. Also, data supports that some caribou observed near the road/not migrating may be ‘project tolerant’, and as per the TEMP mining activities and reopened roads may resume with a 30 km/h speed limit.</p> <ol style="list-style-type: none"> 2. Decision trees in the TEMP (Version 7) were followed in 2019. TEMP is currently under revision, including the GSTs per recent analyses and ongoing TAG discussions. 3. Will consider the GN’s recommendation for the presentation of data in subsequent annual reports. 4. Actions related to road reopening are field and observation based, in collaboration with local BLHTO monitor and environmental staff. Actions are not systematically recorded or logged. Initial monitoring

<u>TOPIC</u>	<u>RECOMMENDATION</u>	<u>AGNICO EAGLE RESPONSE</u>
		<p>would show groups greater than GST on Project roads, further monitoring during the day would show that groups have kept moving further infield and would not be observed any longer upstream. Committed to improved efficiency in tracking those elements moving ahead.</p> <p>5. Convoys were conducted daily when required. Consult with the KIA and HTO, as well as GN as appropriate when Level 3 mitigations are triggered includes discussion on use of convoys. Convoys include a pilot vehicle and road maintenance as project roads represent an essential lifeline to mine workers and enables the roads to be safely accessible for wildlife monitoring.</p>
Caribou Collar Data	<p>That the Board direct the Proponent to provide a plan for acquisition of caribou collar data specifying the number of collars required on each of the herds interacting with the Project that are required by the Proponent for Project effects monitoring and day-to-day implementation of CPMs. This plan should include information on sample size considerations, schedule and level of investment to be provided by the Proponent to acquire these data. It is acknowledged that caribou collaring in the Kivalliq region is GN-led. However, this does not prevent the Proponent from expressing the Project's data needs in the form of a plan. This plan should be provided to the TAG for review. Progress in implementing the plan should be reported in future Annual Wildlife Summary Monitoring Reports.</p>	<p>Agnico Eagle will continue to collaborate with the GN so that additional caribou data relevant to operations can be collected and will use whatever collar data available that the GN determines is necessary. Implementation of mitigation is not dependent on caribou collar data alone. Key monitoring data used for triggering road-related mitigation are roadside surveys. Collar data is helpful but supplemental and does not directly feed into mitigation and may oversimplify or under simplify caribou presence. Collar data is used to trigger more intensive monitoring, and if no longer available then Agnico Eagle will adapt monitoring to serve a similar purpose. For example, roadside surveys could be every 2 days to begin earlier in the year based on monitoring</p>

<u>TOPIC</u>		<u>RECOMMENDATION</u>	<u>AGNICO EAGLE RESPONSE</u>
			results to date. Or other methods such as drones could be used for early detection. Agnico Eagle does not intend to develop a plan for collar data needs for the Meadowbank Complex, but the program can continue to be discussed through the TAG.
Caribou Surveys	Road	<ol style="list-style-type: none"> 1. The Board direct the Proponent conduct a comprehensive analysis of the available caribou observation data (for 2019 and earlier years) including road surveys and incidental observations; the GN believes that completion of this analysis within 6 months of receipt of this recommendation is reasonable. These analyses should be based on guidance provided by the TAG (as per its terms of reference). The results of these analyses should be used to assess the effectiveness of caribou detection methods and to make appropriate revisions to GSTs used in the TEMP to trigger automatic road closures. A report on the findings and recommendations from these analyses should be provided to the Board, GN and other parties for review. 2. Noting that road surveys alone are inadequate for detecting and responding to the presence of caribou near the Project, that Board direct the Proponent to invest in the long-range detection of migrating caribou. 	<ol style="list-style-type: none"> 1. Monitoring effort downstream of roads would inhibit mitigation and represent risk to caribou. At November 2019 TAG meeting GN acknowledged GST should focus on caribou group observations approaching the roads. Data from Lorillard collared caribou indicated that roads acting as partial barrier has not influence the duration of the migratory movements, so no apparent measurable demographic consequence. Other data demonstrates that closing the road does not influence caribou movements within spatial extent of sensory disturbance from the WTHR traffic. It would not be surprising that group sizes may be larger near observers as caribou are more easily seen and accurately counted. Topography and weather may also influence how caribou are detected. Caribou could also aggregate as they move between large lakes adjacent to mine roads. The HOL surveys are no longer used (TEMP Version 8), a decision supported by the TAG. New roadside surveys were implemented in 2020 following a viewshed analysis that identified monitoring locations with approximately 4 km line-of-sight

TOPIC	RECOMMENDATION	AGNICO EAGLE RESPONSE
		<p>distance. Which may improve distances which caribou groups can be observed.</p> <p>2. Hierarchical mitigations used are based on monitoring results that are within the referenced distances and not explicitly at those distances. Agnico Eagle is investigating other approaches such as drones. A pilot program with drones scheduled for 2020 was cancelled due to pandemic and will be resumed when safe to do so.</p>

Table 8. Crown-Indigenous Relations and Northern Affairs Canada Recommendations for the Meadowbank Gold Mine and Whale Tail Pit Project and Agnico Eagle’s Response

TOPIC	RECOMMENDATION	AGNICO EAGLE RESPONSE
<p>Tailings Freeze-back and Capping Thickness</p>	<p><u>Prior Recommendation:</u> <i>Agnico Eagle should present the updated modeling supporting their conclusions that the conceptual plans for thermal encapsulation of the TSF and the WRSF remain effective to prevent and control deleterious seepage over long term, and management actions if discrepancies appear.</i></p> <p><u>Current Recommendation:</u> Remains on-going topic that will be a focus of future planning for the operational and closure phases of the project. Prior recommendation yet to be fully addressed and continues to apply.</p>	<p>Agnico Eagle will continue to monitor freeze back in tailings and waste rock and compare to the FEIS prediction to ensure that the closure strategy, documented in the interim closure plan, still meets the closure prediction.</p> <p>Agnico Eagle will update the closure design to reflect current conditions of the WRSF and TSF, but no significant change to closure concept are planned at this time. Progressively reclaimed areas should be considered reclaimed and modification will only occur if data show that previously accepted closure criteria would not be met.</p>

TOPIC	RECOMMENDATION	AGNICO EAGLE RESPONSE
	<p><u>Prior Recommendation:</u> <i>CIRNAC reiterates the importance of its prior recommendation that Agnico Eagle provide more information on the nature and extent of research efforts, results of the research and a discussion of how the proposed cover design has been influenced by these results.</i></p> <p><u>Current Recommendation:</u> Remains on-going topic that will be a focus of future planning for the operational and closure phases of the project. Prior recommendation yet to be fully addressed and continues to apply.</p>	<p>As detailed above, Agnico Eagle will continue monitoring freeze back in the tailings and waste rock. The update of closure design will integrate information and results from completed research studies along with a discussion on how these results could be used for the cover design.</p>
Progressive Reclamation	<p><u>Prior Recommendation:</u> <i>Future updates to the ICRP include more details on progressive reclamation.</i></p> <p><u>Current Recommendation:</u> High level summaries of progressive reclamation in the Meadowbank ICRP and the 2019 Annual Report contain insufficient detail to understand completed work. Prior recommendation continues to apply.</p>	<p>Agnico Eagle will continue to provide more details on progressive reclamation in future updates to the ICRP. Completed and scheduled work can be found in the closure schedule presented in Appendix P of the ICRP.</p>
Results of Thermistor Measurements for Tailings and Waste Rock Storage Facilities	<p><u>Prior Recommendation:</u> <i>Continue analyzing the thermistor monitoring results against early thermal modelling predictions and update the Waste Rock and Tailings Management Plans if large discrepancies are observed.</i></p> <p><u>Current Recommendation:</u> Remains on-going topic that will be a focus of future planning for the operational and closure phases of the project. Prior recommendation yet to be fully addressed and continues to apply.</p>	<p>Agnico Eagle is monitoring freeze back in tailings and the waste rock and will continue to do so and expand the monitoring program as required. The data gathered will continue to be analysed and compared to the FEIS prediction as more data becomes available to ensure that the closure strategy and concept still meet the closure prediction.</p>
Geotechnical Design Processes	<p>Perform a lessons learned assessment of its design processes for the Whale Tail Pit Project water retention structures with the goal of identifying and addressing systemic design, construction, or operational process deficiencies that may have contributed to sub-standard performance of the Whale</p>	<p>Mammoth, NE and the WRSF Dike now have normal operating conditions and data suggests that the mitigation measures and Whale Tail Dike positively impacted the seepage rate.</p>

<u>TOPIC</u>	<u>RECOMMENDATION</u>	<u>AGNICO EAGLE RESPONSE</u>
	Tail dikes. Indicate how lessons learned will be incorporated into design and environmental management processes.	Agnico Eagle performed a lessons learned exercise on water management in winter 2020 to improve operational procedure. For the design on the expansion project infrastructure will take advantage of the first year of operations and work with multiple parties to ensure the structures meet design intent.
Non-Compliant Discharges	Report the unauthorized discharge of Whale Tail WRSF contact water to Mammoth Lake as a non-compliance issue.	Agnico Eagle should have reported the unauthorized discharge of WRSF contact water to Mammoth Lake as a non-compliance issue and will pay closer attention in future annual report.
Meadowbank Water Treatment Requirements	Recommends the next iteration of the Meadowbank ICRP identify and examine potential water treatment scenarios based on current and future water quality projections during the closure phase. Costs associated with implementing the most likely water treatment scenario should also be incorporated into security estimates.	Agnico Eagle intends to start water treatment bench scale testing using reclaim water stored in the pits, to assess the most suitable water treatment processes that can be used at closure prior to pit flooding. The 2020 Annual Report will include a plan describing the general timeline to perform bench scale lab testing, on-site testing, and development of design of the water treatment process for closure. The ICRP currently provides for water treatment. Following results of bench scale testing, cost associated with water treatment scenario could be adjusted.
Meadowbank WRSF Seepage Quality	Confirm if long-term modelling of seepage from the Meadowbank WRSFs is of sufficient duration to characterized seepage after breakthrough. If not, extend the temporal scope of WRSF seepage modelling to ensure that potential seepage impacts after breakthrough are accurately characterized.	The closure strategy for the Meadowbank WRSF is in the ICRP and based on documentation showing the water quality objective will be met at closure. The cover system is designed to keep the active layer in the non-acid generating (NAG) material to ensure there is no acid-rock drainage (ARD) generation. There is no data to

<u>TOPIC</u>	<u>RECOMMENDATION</u>	<u>AGNICO EAGLE RESPONSE</u>
Monitoring of Meadowbank Landfarm	Clarify why sampling of the landfarm has not occurred for past three (3) years. Describe why prior recommendations to enhance performance of the landfarm have not been implemented.	<p>suggest that release of water from the Meadowbank WRSF would impact water quality.</p> <p>Sampling did not occur because the overall design of the new landfarm did not permit piles to be segregated while sampling results were received, therefore it is impossible to identify sections sampled and remediate accordingly to tier results. There are plans to sample isolated back sections of material in 2020 to assess state of contamination. Recommendations to improve performance of biodegradation rates were put on hold initially at Meadowbank Complex with Meliadine Project moving ahead for enhancement seeding. Lessons learned and overall performance would then be assessed and applied if results were good. Assessment is still ongoing with multiple years of data needed to determine potential gains.</p>
Chromium in Meadowbank Third Portage Lake (TPE) Sediments	<p>Agnico Eagle concludes that further assessment of chromium in TPE sediments is not justified and no supplemental mitigations are necessary. Provide additional analyses to support this conclusion.</p> <p>Indicate why rock with elevated metal leaching potential was used as a construction material. Describe any changes made to waste rock management practices to ensure similar materials do not result in adverse impacts in the future.</p>	<p>Although ultramafic rock generally known to contain elevated concentrations of chromium, was considered best dike capping material to reduce potential for ML/ARD and is likely sources of chromium in TPE sediment. Waste rock management practices will continue to follow the Operational ARD-Metal Leaching Sampling and Testing Plan including quarterly waste rock sampling. Sampling data, benthic invertebrate community abundance, targeted sediment metals bioavailability testing support that follow-up mitigation not necessary. Another year of sediment coring and benthic invertebrate community monitoring is planned</p>

<u>TOPIC</u>	<u>RECOMMENDATION</u>	<u>AGNICO EAGLE RESPONSE</u>
		for 2020, and the data will help determine if sediment chromium concentrations are stable or increasing and verify the health of the benthic invertebrate community.
Whale Tail Pit Project Nutrient Sources	Recommends future monitoring reports include a section describing and quantifying use of explosives relative to assumptions used in FEIS modelling, specifically regarding a potential source of nutrient loadings in the watershed. Revisit prior conclusion that a change in trophic status in Mammoth Lake will not impact fish productivity.	<p>Primary sources of residual explosives are from the Whale Tail Pit and WRSF. Concentrations in operating pits at Meadowbank were used to model water quality and chemical loading, which determined that similar nitrogen contents would occur in the waste rock and open pit drainages. Results of monitoring explosive quantity used, and water monitoring is used to assess blasting performance according to the Ammonia Management Plan and used to adjust blasting practices as needed.</p> <p>Although the increase in biomass at Whale Tail South (WTS) and Mammoth Lake (MAM) was likely related to increased nutrient concentrations, the observed increase in biomass downstream is consistent with changes predicted in the FEIS. The ecological significance of increased primary productivity at WTS and MAM will depend on how long the trends continue and how far they extend, but difficult to isolate the cause with one year of data (i.e., 2019). Ongoing monitoring will help determine whether the conclusion that the Project is not expected to have significant adverse effects on fish and fish habitat needs revisiting. Additional field studies are planned in summer 2020 led by the University of Waterloo.</p>

<u>TOPIC</u>	<u>RECOMMENDATION</u>	<u>AGNICO EAGLE RESPONSE</u>
Whale Tail Pit Project Mercury Monitoring	Report to the NIRB on how it intends to address the significant (40 times) spike in mercury (Hg) concentrations observed in 2019. If measured concentrations are deemed accurate, Agnico Eagle should indicate whether the elevated results have the potential to result in significant ecological and/or human impacts.	Accuracy of the 2019 water chemistry results is being researched. To note that the apparent increases in 2019 were also seen at the reference lake which would suggest a regional climatic-driven change. More work is planned for 2020 including monitoring Hg concentrations in water, sediment, and lake trout within the project study area, including the Impoundment area, Mammoth Lake, and regional reference areas. Data will help determine the validity of the 2019 water quality data and determine the ecological and human health.
Reporting of Mean Data	Modify reporting approach to ensure that comparisons between monitoring data and applicable criteria reflect the temporal and spatial variability inherent in these natural systems.	Comparison of the annual mean concentration to the early-warning triggers, combined with visual examination of the chemistry plots has been an effective approach for identifying parameters that have increased in concentration due to mine-related activities.
Sewage Treatment Plant (STP) Effluent Discharge to Whale Tail Lake North Basin	Conduct a review of the system design, operation and management procedures of the STP to ensure the system is capable of ensuring that required performance standards are met continuously and contaminated effluent is not being discharged to Whale Tail Lake North Basin.	The STP associated with the exploration camp was no longer in operation as of November 2019. Sewage is now transferred to the permanent STP in the operation camp and regulated under the Whale Tail water licence. There is no water effluent quality limit associated to the STP effluent under the 2AM licence, however if the STP associated with the 2BB water licence needs to be restarted, a thorough review of the system design, operation, and management procedures will be undertaken to ensure that the system effluent comply with the water quality limit.

<u>TOPIC</u>	<u>RECOMMENDATION</u>	<u>AGNICO EAGLE RESPONSE</u>
Community Notices Regarding Public Use of AWAR	Current methods of providing information on the Meadowbank AWAR to Baker Lake community members appear to be sufficient. CIRNAC is not aware of any complaints to the contrary. CIRNAC recommends that T&C 32(f) be revised to reflect these communication protocols if the NIRB and other interested stakeholders agree.	Agnico Eagle is supporting the effectiveness of the communication method detailed by CIRNAC and is in continuous improvement to find the best way to keep the community informed.
Authorized Non-mine Use of the Meadowbank AWAR	Establish and implement consistent monitoring parameters for non-mine authorized use of both the Meadowbank and Meliadine AWARs.	Agnico Eagle will continue to implement and improve the monitoring and reporting procedure for the Meadowbank AWAR and will look to hold discussions with Meliadine Mine regarding consistency in reporting.
Full-time Road Safety, Search and Rescue Position	Confirm whether they have hired a full-time road safety, search, and rescue position pursuant to T&C 34 of Project Certificate No. 004.	Condition is completed and in compliance as per the NIRB Board Recommendation Report. Agnico Eagle currently have a 24h dispatch at the Baker Lake Gatehouse and a 24h security guard on site. Also, an emergency response team ready to respond to any incident that occurred on the AWAR.
Semi-annual Calls with GN Career Development Personnel	Strive to meet with the GN career development personnel on a semi-annual basis, at a minimum pursuant to T&C 49 of Project Certificate No. 008. Provide rationale if the frequency of meetings is not being met.	In 2019, Agnico Eagle and the GN's Acting Regional Manager of Career Development met at Meadowbank site and a follow-up meeting of 2019 was scheduled in February 2020. Agnico Eagle will strive to fulfill the requirement of the term and condition.
Application of Inuit Qaujimaningit to Monitoring Plans	Describe how it has engaged with Kivalliq communities, land users, and harvesters in the development of project monitoring plans and associated reporting and updates pursuant to T&C 54 of Project Certificate No. 008. Summarize how Inuit Qaujimaningit is being integrated into monitoring programs.	Agrees to continue to assess and expand the meaningful engagement on all aspects of operations and better summarize these engagements as well as integration of IQ in future monitoring reports. Hosts meeting and consultations every year with community, where information can create actions or affect processes. In 2019 Agnico Eagle consulted with Elders, residents of

<u>TOPIC</u>	<u>RECOMMENDATION</u>	<u>AGNICO EAGLE RESPONSE</u>
		the Kivalliq on the Meadowbank and Whale Tail Pit Projects through a variety of different venues. High level summary provided of how information is collected and accounted for in monitoring programs.
Cross-cultural Training Initiatives	Include the uptake and completion rates of cross-cultural training initiatives for on-site sub-contractors as well as employees in future annual report submissions. As per T&C 59 of Project Certificate No. 008, these initiatives are a means of promoting respect and consideration for the importance of Inuit Qaujimagatunqangit.	The cross-cultural training program, developed with assistance from the Nunavut Literacy Council, is mandatory for all Agnico Eagle employees and contractors on site for 6 months or more. Agnico Eagle will report on the number of employees and contractors who complete the program beginning in the 2020 reporting year.

Table 9. Environment and Climate Change Canada Recommendations for the Meadowbank Gold Mine and Whale Tail Pit Project and Agnico Eagle’s Response

<u>TOPIC</u>	<u>RECOMMENDATION</u>	<u>AGNICO EAGLE RESPONSE</u>
Meadowbank Gold Mine Project		
NO₂ Monitoring Location	The location of the continuous NO ₂ monitoring be within 10 km of project activities, to allow effective comparisons to the FEIS predictions as a result of the project. Site monitoring to ensure that power generation (specifically to power the monitoring station) does not influence the monitoring results. The site containing the continuous NO ₂ monitoring be co-located with a passive NO ₂ sampler.	The ‘point of compliance’ with respect to the Nunavut Ambient Air Quality Standards (NAAQS) is at the project boundary. The NAAQS are the applicable standard and do not require continuous monitoring. The location was sited conveniently along the WTHR with available power, and at a location to provide an accurate assessment of regional NO ₂ concentrations not influenced by a single facility. The location is compliant (downwind of Whale Tail site) with the term and condition 1.c of the Project Certificate No. 008. Agnico Eagle is of the opinion that the chosen location respects

<u>TOPIC</u>	<u>RECOMMENDATION</u>	<u>AGNICO EAGLE RESPONSE</u>
		the term and condition and all previous discussion held during the permitting process.
Dustfall Sampling Height	The Proponent conduct dustfall sampling for all sampling locations at a height of 2 metres (m), according to the ASTM method (2017) ⁷ , and that they revise the Air Quality and Dustfall Monitoring Plan, in order to reflect the commitment they made in July 2019.	The Air Quality and Dustfall Monitoring Plan was last updated in March 2020 and provided in Appendix 62 of the <i>2019 Annual Report</i> . Agnico Eagle has agreed to conduct all future monitoring for dustfall at minimum height of 2 m and the 2020 campaign is currently conducted on poles at 2 m height.
Wildlife Monitoring Summary Report	ECCC looks forward to reviewing the comprehensive analysis of existing data regarding the project’s migratory bird monitoring program and continued discussions with the Proponent and other interested parties.	Will provide the comprehensive analysis as per previous discussion.
Pore Water Sampling	The Proponent base the duration of pore water monitoring on the potential for further movement of contaminants, as well as monitoring results, rather than a fixed time frame. The Pore Water Quality Monitoring Program should include a description of the purpose and data analysis for the future in situ pore water monitoring data.	Agrees the monitoring should be based on expected conditions and not a fixed timeframe. The sampling program will only stop if water quality is meeting the predictions and a 20% or more decrease in constituent concentrations are observed in the pit. The lower end bracket of water quality (mill effluent) will provide the earliest possible indication of water quality in the pit as geochemical weathering of the tailing will not occur underwater. Upwelling of porewater will only be at a lower concentration than mill effluent. The pit will be full prior to installation of instrumentation to sample porewater directly, so the hydraulic head is expected to be at steady state once in-site sampling begins.

⁷ ASTM International. Standard Test Method for Collection and Measurement of Dustfall (Settleable Particulate Matter) D1739-98. Reapproved 2017.

<u>TOPIC</u>	<u>RECOMMENDATION</u>	<u>AGNICO EAGLE RESPONSE</u>
Monitoring Results at ST-16	Requests clarification or correction of the data anomalies identified for Table 8-19.	Will pay closer attention to reporting values in the 2020 Annual Report. Explanation provided for items highlighted by ECCC.
Recommendations for Future Groundwater Monitoring	Recommends that the Proponent include a discussion of whether the recommendations provided in Section 6.2 of the 2019 Groundwater Monitoring report will be implemented in the next groundwater monitoring report.	The recommendations mainly provides equipment requirements for the 2020 groundwater sampling campaign. Agnico Eagle will implement most of these recommendations. The last recommendation about additional parameters to analyse, the addition of new parameters to the existing list would only be done to investigate specific issues if arising. The analytical parameters in 2020 will remain the same as in 2019.
References to Canadian Council of the Ministers of the Environment (CCME)	For clarity, the Proponent should refer to the CCME guidelines as guidelines rather than limits or criteria, which implies a regulatory basis. As guidelines or objectives, the CCME concentrations provide a yardstick for the evaluation of parameters of concern. Also, they should be kept in the context of being receiving environment guidelines.	Agnico Eagle will ensure the CCME guidelines are referred to as guidelines in future Annual Reports.
Reclaim Water Treatment	Provide a discussion of the feasibility of treating reclaimed water earlier in the mine operations, e.g. segregating high-concentration water and treating to remove contaminants.	Since main contaminants reporting to the reclaim water come from ore processing, the focus of treatment should be on mill effluent discharged with tailings to the pit. The feasibility of performing treatment during operation could be explored for a closure strategy using existing equipment in the mill. Treatment of the reclaim water could also be considered once in the pit. Bench scale testing should be planned and undertaken at site to evaluate suitable water treatment approach. More detailed discussion on water treatment of the mill

<u>TOPIC</u>	<u>RECOMMENDATION</u>	<u>AGNICO EAGLE RESPONSE</u>
		effluent during operation will be provided in the 2020 Annual Forecast Report.
CCME Guidelines – Dissolved Manganese and Zinc	Include the dissolved guidelines for zinc and manganese in the tables in Appendix 22.	Agnico Eagle will include CCME guidelines for dissolved zinc and manganese in the comparison table in next years report.
Whale Tail Pit Project		
Sea Bird Monitoring	Confirm that the Marine Mammal and Seabird Observer Program (MMSO) followed established ECCC seabird survey protocols (Gjerdrum et al. 2012) and include a reference to the protocols in future annual monitoring reports. Contact ECCC to review and discuss any proposed changes to the seabird monitoring component prior to implementation. Request a copy of the seabird data recorded during the MMSO surveys in 2019.	Currently follows the approved MMSO found in Appendix B of the Shipping Management Plan (Version 3, Dec 2018). Any changes will be confirmed with ECCC prior to modifications. Agnico Eagle hired a consultant in 2020 to provide training material to vessels and enhance data collection. Protocols were adapted from Canadian Wildlife Service standardized protocols for pelagic surveys from moving and stationary platforms. The seabird data recorded during the MMSO surveys was already provided for 2019. ECCC should confirm this fulfills their expectations.
Migratory Birds Mitigation	Clarify what is proposed in 2020 to ensure compliance with the Migratory Birds Convention Act related to ongoing project-induced flooding.	The flooding in 2020 was mainly completed and thus no nests is predicted to be flooded.
Dike Construction Monitoring Results	Clarify data presentation in Tables B-1 and B-2. Discuss whether steps to mitigate/address probe malfunctions, and whether a monitoring contingency has been identified for managing any future probe malfunctions.	The tables have been revised to clarify. Agnico will aim to maintain better records for missing general water quality data points. Agnico identified and corrected an omission and a misprint. Dike construction in 2019 occurred primarily in January and February, and frequent weather-related water quality probe malfunctions occurred. In the future, an amphibious

<u>TOPIC</u>	<u>RECOMMENDATION</u>	<u>AGNICO EAGLE RESPONSE</u>
		vehicle will allow relatively sensitive equipment such as water quality meters to remain in climate-controlled conditions before and between uses and should ensure better data availability moving forward.
Dewatering Monitoring Results	Clarify data presentation in Tables D-1 and D-2. Describe whether the numbers provided incorporate or reflect any underlying missing data points.	Where results below the DL health the DL was used in the 30-d mean calculation. NA entries occurred when a sample result was not available due to inclement weather or halted discharge, or sample was lost in transit. Will aim to better document reasons for missing samples and add more detail in upcoming report. Missing data in means calculations are handled through omission. No values are assigned to these missing datapoints.
Managing Missing Data	Clarify whether the Proponent has a standard approach to managing missing data points during data analyses, whether the numbers provided in the monitoring tables incorporate or reflect underlying missing data points, and describe how missing data was managed during data analyses for the Dike Construction and Dewatering Monitoring Report.	No standard approach for handling missing datapoints during data analysis. In 2019 statistical analyses only included means calculations for relatively small datasets, so missing datapoints were flagged and handled through omission – i.e. no value assigned. Will endeavor to better describe handling of missing data in future reports.
Flooded Pit Lake Water Quality	Prior to decommissioning the contact water management system or breaching the dikes, monitoring results and water quality predictions demonstrate that the water quality of runoff, seepage and the flooded area has stabilized and will consistently meet water quality objectives and be safe for aquatic life over the short-, medium-, and long term, taking into account seasonal and inter-annual variability and climate change considerations.	Agnico agrees and will address inconsistencies in next revision of Whale Tail Water Management Plan for the 2020 Annual Report. Clarify that the projected closure duration period is 18 years. A three-year post-closure monitoring phase is anticipated to confirm site stability and the post-closure period will not begin until closure criteria are met. Site data and water quality modelling efforts confirm that monitoring periods will be sufficient to demonstrate long-term site stability. Monitoring data

<u>TOPIC</u>	<u>RECOMMENDATION</u>	<u>AGNICO EAGLE RESPONSE</u>
		collected during the operations and closure phases (~24 years) will be used to recalibrate the site water quality models on annual basis and validate projected post-closure conditions. Refer to the ICRP for more specific information.
Hydrology Model	Future annual water balance reports provide a definition of 'EA Scenario' to clarify the prediction scenario used for the hydrogeology model.	Agnico Eagle will ensure that future Water Balance Reports provide a definition of "EA Scenario".
Water Quality Predictions	Describe the prediction scenario that was used to develop the water quality predictions presented in Appendix D: Whale Tail water quality forecast update (Mine Site and Downstream Receiving Water Quality Predictions – <i>2019 Annual Report</i>); and include a description of the prediction scenario for future water quality prediction reports.	The prediction scenario used to develop the water quality predictions presented in Appendix D is reflective of the Approved Project and is based on an average climate condition. It is anticipated that future water quality prediction reports will also be based on average climate conditions and will account for the Whale Tail Expansion Project water management scenario.
Water Quality Model	Future model review in the annual reports include confirmation that the changes in assumptions are supported by monitoring and model calibration.	Refinements resulting from the Whale Tail Expansion Project regulatory process were based on additional modelling, geochemical testing, and observations from site. Updates to the model and calibration will be completed on an annual basis. Monitoring programs will serve to validate the assumptions that have been made in the Water Quality Model and the supporting models.
Decommissioning the Contact Water Management System	Prior to decommissioning the contact water management system, monitoring results and water quality predictions demonstrate runoff and seepage water quality has stabilized and will be consistently acceptable for release over the short-, medium, and long-term, taking into account seasonal and inter-annual variability and climate change considerations.	Refer to the FWS for the Whale Tail Expansion Project Water Licence Amendment. ECCC and Agnico agreed on the closure objective and criteria for the WRSF as presented in the response. Agnico understood that these items were resolved. Refer to the ICRP for more specific information.

<u>TOPIC</u>	<u>RECOMMENDATION</u>	<u>AGNICO EAGLE RESPONSE</u>
Deep Thermistors in South Portion of Whale Tail Lake	Clarify whether supplemental deep thermistors were (or will be) installed in the south portion of Whale Tail Lake to confirm the assumption of an open talik formation in that area. Describe what will be the adaptive management response mechanism if open talik is discovered.	The default assumption is open talik which is a conservative assumption taken for the water quality prediction. Therefore, not required to install a deep thermistor in Whale Tail South to confirm this assumption as part of adaptive management.

Table 10. Fisheries and Oceans Recommendations for the Meadowbank Gold Mine and Whale Tail Pit Projects and Agnico Eagle’s Response

<u>TOPIC</u>	<u>RECOMMENDATION</u>	<u>AGNICO EAGLE RESPONSE</u>
Meadowbank Gold Mine Project		
Section 8.5.1 Meadowbank Site (p.212)	Notes that discussions are currently being undertaken surrounding modifications to several <i>Fisheries Act</i> Authorizations. DFO-FFHPP will determine the Proponents compliance with the stand-alone reports to DFO and the Whale Tail Pit Fish Habitat Offset Monitoring Report once reviews are completed.	Agnico Eagle acknowledges DFO’s comment.
Section 8.5.6.1 and 8.8.1 Meadowbank Site Habitat Compensation Monitoring Program (HCMP)	Acknowledges Agnico Eagle’s commitment to conducting monitoring and the submission of the 2019 HCMP report. DFO will review the reports and has no further comments at this time.	Agnico Eagle acknowledges DFO’s comment.
Section 8.16 Creel Survey Results	Acknowledges Agnico Eagle’s commitment to engage local HTO’s in the development, implementation and reporting of annual creel surveys within the water bodies affected by the Plan. Recommends that Agnico Eagle continues to engage local HTO with annual creel surveys and associated reporting.	Agnico Eagle is committed to pursuing its collaborations with the local HTO in the creel surveys.

<u>TOPIC</u>	<u>RECOMMENDATION</u>	<u>AGNICO EAGLE RESPONSE</u>
Whale Tail Pit Project		
Section 3.5.2.1 Design Report and Construction Drawings	Acknowledges the commitment to submitting detailed as-built design reports, and DFO will review those reports to determine whether potential impacts to fish passage have been mitigated. Recommends Agnico Eagle complete the reporting to DFO-FFHPP as described in their <i>Fisheries Act</i> authorization conditions.	Acknowledges DFO comments and will continue to complete the reporting as per previous years.
Section 8.5.1.2 – Avoidance of Serious Harm to Fish and Fish Habitat	Acknowledges submission of the 2019 Technical Memorandum and will review to determine whether potential impacts to fish and fish habitat have been mitigated and avoided. No further comments at this time.	Agnico Eagle acknowledges DFO’s comment.
Section 8.6 Blast Monitoring	Notes PPV exceedances occurred during periods of egg incubation. Will determine Agnico Eagle’s compliance status once the reviews of <i>Fisheries Act</i> reports have been completed.	Acknowledges DFO’s comments and will continue to notify DFO of any blast exceedances and include in the report any corrective measures.

3.2 EFFECTS MONITORING BY NIRB

3.2.1 NIRB 2018-19 Monitoring Report Outcomes

Within the NIRB's 2018 – 2019 Annual Monitoring Report for the *Meadowbank Gold Mine Project* (NIRB File No. 03MN107) & *Whale Tail Pit Project* (NIRB File No. 16MN056) the Monitoring Officer made several recommendations in order to seek clarification or additional information regarding Agnico Eagle's work at site and for monitoring of the Projects. On November 25, 2019 Agnico Eagle provided responses to address these recommendations. Following receipt of Agnico Eagle's response, the NIRB had a follow-up meeting with Agnico Eagle on December 16, 2019 to discuss and clarify the expectations of the Board's 2019 recommendations.

The NIRB requested a supplementary submission be provided by Agnico Eagle by January 31, 2020 in order to satisfy the NIRB's Monitoring Report recommendations. On January 31, 2020 the NIRB received Agnico Eagle's supplemental submission. Agnico Eagle's response submissions are summarized in Tables 11 and 12 for the Meadowbank Gold Mine Project and Whale Tail Pit Project, respectively.

Table 11. Monitoring Officer 2018-19 Monitoring Report recommendations for the Meadowbank Gold Mine Project

<u>TOPIC</u>	<u>RECOMMENDATION</u>	<u>AGNICO EAGLE RESPONSES</u>
<p>Hunter Harvest and Creel Surveys</p>	<ul style="list-style-type: none"> ▪ The NIRB looks forward to reviewing the results from these two (2) studies in the <i>2019 Annual Report</i> but notes that for the 2018 reporting year that Agnico Eagle were not in compliance with Terms and Conditions 51 and 54. 	<ul style="list-style-type: none"> ▪ The CREEL and Hunter Harvest Surveys were reinitiated in 2019. A harvest calendar was distributed to Baker Lake residents, which provided ways to record harvest details such as location, number of animals, sex, and age. ▪ Participants were interviewed in person 4 times during the year by the harvest study coordinator. Interviews were conducted to ensure recording of harvest data and for collection of incidental information including notable caribou movements, aggregations, and unique observations. ▪ The 2019 Hunter Harvest Survey included improvements such as: increased time researchers spent interacting with participants; building long-term relationships; increasing use of social media platforms; increasing incentives for participation (e.g. prizes). ▪ Results of both the CREEL and Hunter Harvest Surveys provided in Appendix 52 of the <i>2019 Annual Report</i>.
<p>Closure and Reclamation Plan</p>	<ul style="list-style-type: none"> ▪ The NIRB is requesting Agnico Eagle update the ICRP to the <i>Final Closure and Reclamation Plan</i> and include more details on progressive reclamation for these areas as well as for the areas identified by Crown-Indigenous Relations and Northern Affairs Canada, Comment 1.4 (see CIRNAC Comments on 2018 Annual Report); tailings storage facility and waste rock storage facility. The NIRB 	<ul style="list-style-type: none"> ▪ Agnico Eagle will not be submitting the Final Closure and Reclamation Plan at this time as there is no cessation of operations at the Meadowbank facility with ore processing, in-pit tailings deposition, airstrip, camp facilities and recovery of gold remains at full production. ▪ Will follow the definitions of operations, Interim Closure and Reclamation Plan, and Closure as per the water licence.

<u>TOPIC</u>	<u>RECOMMENDATION</u>	<u>AGNICO EAGLE RESPONSES</u>
	<p>requires the updated plan in the <i>2019 Annual Report</i>.</p>	<ul style="list-style-type: none"> ▪ Submitted the Meadowbank ICRP dated May 29, 2019 to CIRNAC on June 7, 2019 and on July 24, 2019 to the NWB. Review process included commenting and response. NWB approved the ICRP on October 21, 2019. Action items were identified by NWB and an updated Meadowbank ICRP to be submitted in the <i>2019 Annual Report</i>. <p style="text-align: center;"><u>Additional Information</u></p> <ul style="list-style-type: none"> ▪ Is still meeting criteria considered to be in operations and would be premature at this stage to provide a Final Closure and Reclamation Plan given milling activities and use of Meadowbank infrastructures continue via the Whale Tail Pit Project and the Whale Tail Pit Expansion Project. ▪ The current ICRP states that the operations (mining and ore processing) will continue approximately three (3) years with the Whale Tail Pit from 2019 to 2022. ▪ NWB, CIRNAC, and KIA have mentioned that the Meadowbank site should be considered in closure phase. ▪ Committed to provide an updated ICRP in <i>2019 Annual Report</i>. The update will include a discussion of progressive reclamation opportunities and ensure that the approved ICRP is submitted to the NIRB.

Table 12. Monitoring Officer 2018-19 Monitoring Report recommendations for the Whale Tail Pit Project

TOPIC	RECOMMENDATION	AGNICO EAGLE RESPONSES
<p>Hydrogeologic Conditions and Groundwater Monitoring</p>	<ul style="list-style-type: none"> ▪ The NIRB requests that within 30 days Agnico Eagle provide reasoning on why additional deep groundwater wells have not been installed to be able to define and monitor both vertical and horizontal groundwater flows especially when Agnico Eagle has had problems with the groundwater monitoring program at the Meadowbank site since its inception until 2018. ▪ The NIRB further requires that Agnico Eagle revise the Groundwater Monitoring Plan to include details of effective and feasible options available for mitigation if arsenic concerns materialized. The revised Groundwater Monitoring Plan should be provided as part of the <i>2019 Annual Report</i>. 	<ul style="list-style-type: none"> ▪ Installation of additional Westbay well is not required based on the result of the November 2018 sampling. ▪ Estimates support the FEIS conclusion that long-term predicted flows from the pit lake to the groundwater flow system will be negligible relative to the surface water exchange into the pit lake. ▪ TDS is not a parameter of concern for the pit lake water quality at closure and the higher calculated TDS concentration will also be negligible into the pit lake. ▪ Groundwater Management Plan (GWMP), version 2 submitted to CIRNAC November 2018; Updated Plan, Version 2.1 February 2019 submitted to NWB to address CIRNAC comments. ▪ CIRNAC notified Agnico Eagle that objective of Term and Condition 15 has been met, as of March 2019. ▪ NWB approved the GWMP, Version 2.1 in April 2019. ▪ Agnico Eagle considers it is in compliance with the Term and Condition 15. ▪ Will ensure to include NIRB in future discussions and evaluate the possibility to update the GWMP to include details of options for mitigation if arsenic concerns materialize.
<p>Road Closures</p>	<ul style="list-style-type: none"> ▪ The NIRB requests that Agnico Eagle clearly identify the difference between “restricted” traffic, “closed – except for authorized 	<ul style="list-style-type: none"> ▪ Will provide clarification in the next revision of the TEMP.

<u>TOPIC</u>	<u>RECOMMENDATION</u>	<u>AGNICO EAGLE RESPONSES</u>
	<p>convoy” traffic, and “closed” traffic for all roads including the Meadowbank AWAR, Vault haul road and the Whale Tail haul road in its TEMP. The updated TEMP is expected in the <i>2019 Annual Report</i>.</p> <ul style="list-style-type: none"> ▪ The NIRB also requests a summary of what type of vehicles were allowed on the roads during the restricted periods and/or road closures, including detailed reporting of the frequency and composition of convoys during each road closure in the annual report and include. This information should be provided as part of the table that summarizes the road restrictions (e.g., Table 3.7 of the 2018 Wildlife Monitoring Report). In addition, the Proponent should ensure that road closures as a mitigation measure are being applied according to thresholds established in the TEMP and the definitions of essential and non-essential traffic. This information should be included in the <i>2019 Annual Report</i>. 	<ul style="list-style-type: none"> ▪ Will improve reporting of traffic allowed during restriction periods or road closures. The recommendation will be enforced as of November 25, 2019.
Air Quality and Dustfall Monitoring Plan	<ul style="list-style-type: none"> ▪ The NIRB is requesting that Agnico Eagle compile all of the air quality and dust monitoring, mitigation, management information, and studies into one document 	<ul style="list-style-type: none"> ▪ Updated Air Quality and Dustfall Monitoring Plan, Version 4, March 2019 in the 2018 Annual Report. Updates made to address ECCC recommendations from November 2018.

TOPIC	RECOMMENDATION	AGNICO EAGLE RESPONSES
	<p>to be submitted within 30 days of receipt of the request. This document should then be updated based on the data that is collected and presented in the annual report.</p>	<ul style="list-style-type: none"> ▪ Believe requested information already provided in the Annual Report, the annual Air Quality and Dustfall Monitoring Report and the PEAMP update. ▪ Will consider improving the information in next Annual Report.
<p>Permafrost and Talik Distribution</p>	<ul style="list-style-type: none"> ▪ Provide description of how the Proponent interprets the raw data provided and how the collected site-specific data documents the permafrost conditions and seasonal thaw; ▪ Provide information on the amount of ground ice for not only the Whale Tail Dike area but also the other relevant infrastructure; ▪ The design and drawing reports should demonstrate how the detailed designs of the infrastructure were informed by the site-specific data and how these considerations ensure the integrity of the infrastructure as the thermal conditions discussed in the design reports are general and not aligned with the descriptions of the site conditions in the Thermal Monitoring Plan; ▪ Provide documentation resulting from permafrost characterization undertaken for specific infrastructure components of the 	<ul style="list-style-type: none"> ▪ Considers requirements of Term and Condition 10 have been met for water management infrastructure, WRSF, Whale Tail Pit and TSF. The information can be found in the Thermal Monitoring Plan and in the Design, Report submitted for these structures 60 days in advance of construction. ▪ In summary, baseline thermal conditions prior to construction of each structure was obtained by installation of thermistors. Thermistor information was used to inform the design for each structure to ensure their performance would not be impacted by thermal conditions. To note that the information required varies based on the structure and the construction methods. The design process and information used is documented in each design report submitted as part of the 60 days notice as per 2AM-WTP1826. Design reports were reviewed by different parties and approval was received for construction of all infrastructure. ▪ Ground ice was characterized during field investigation for Whale Tail dikes as these structures could be negatively impacted by settlement. A 4 metre layer of ice rich material was observed on the East abutment. For other infrastructure the amount of ground ice was not measured as it was not relevant to infrastructure performance.

TOPIC	RECOMMENDATION	AGNICO EAGLE RESPONSES
	<p>project as part of the permafrost mapping; and</p> <ul style="list-style-type: none"> ▪ Provide a copy of the post-closure pit-lake thermal assessment, that included general permafrost characterization of the site in the form of a thermistor data summary from ten (10) thermistors on site, that was submitted to Natural Resources Canada. 	<ul style="list-style-type: none"> ▪ For infrastructure which performance could be impacted by the aggravation or degradation of permafrost, additional thermistors are installed after construction to confirm the thermal condition during the operation and closure of the structure. ▪ A structure specific summary was also provided. Documents that were previously submitted to regulators were provided to the NIRB with this submission.
<p>Thermal Monitoring Plan</p>	<ul style="list-style-type: none"> ▪ The NIRB requests that within 30 days Agnico Eagle revise the current Thermal Monitoring Plan and the Groundwater Monitoring Plan to include more comprehensive details on the monitoring strategy the Proponent will employ to confirm the predicted impacts on talik distribution and groundwater flows in the vicinity of the Whale Tail Pit. Additionally, based on the importance of permafrost conditions to the behaviour of the hydrological regime, the site-specific permafrost mapping, monitoring and the thermal analysis should be incorporated into the Groundwater Monitoring Plan and consideration of this information should be included in the next revision of the Closure and Reclamation Plan. 	<ul style="list-style-type: none"> ▪ Agnico Eagle considers it is in compliance with the Terms and Conditions 10 and 15. ▪ Groundwater Management Plan (GWMP), Version 2 submitted to CIRNAC November 2018; Updated Plan, Version 2.1 February 2019 submitted to NWB to address CIRNAC comments. CIRNAC notified Agnico Eagle that objective of Term and Condition 15 has been met, as of March 2019. NWB approved the GWMP, version 2.1 in April 2019. Will ensure to include NIRB in future discussions related to groundwater monitoring. ▪ Thermal Monitoring Plan, Version 2, March 2019 submitted with 2018 Annual Report. Updated to address CIRNAC recommendations. No comments received, therefore Agnico Eagle considers the plan is in compliance with the Project Certificate. ▪ Potential update of the Thermal Monitoring Plan and the GWMP to be provided in the <i>2019 Annual Report</i>.

3.2.2 Review of Annual Report by NIRB

3.2.2.1 Post-Environmental Assessment Monitoring Plan (PEAMP) Evaluation

As part of its Post Environmental Assessment Monitoring Plan (PEAMP) and the requirement of Appendix D of Project Certificate No. 004 for the Meadowbank Gold Mine Project, Agnico Eagle provided a summary on how the current environmental and socio-economic effects of the Meadowbank mine site compared to the impacts as predicted in the FEIS for the following:

- Aquatic Environment
- Terrestrial and Wildlife Environment
- Noise
- Air Quality
- Permafrost
- Socio-economic

For each of these categories, Agnico Eagle conducted a PEAMP evaluation of the valued ecosystem components (VECs) identified in the FEIS, including a summary of the predicted residual effects for which monitoring was recommended in the FEIS. Based on recommendations of the NIRB, Agnico Eagle has revised the PEAMP summary to further include reference to baseline and previous years' monitoring data, identify trends for each VEC where an effect is observed, identify impact predictions that can no longer be supported based on project experience to date, and provide an analysis of the effectiveness of management and mitigation strategies with proposed adaptive management. The evaluation focused on the potential impacts for which monitoring was recommended for the current project phase (i.e., operations).

Overall, Agnico Eagle concluded, in its *2019 Annual Report*, that the impact predictions within the FEIS continue to be supported by the monitoring results, with a few exceptions. The NIRB reviewed the PEAMP evaluation as presented in Agnico Eagle's *2019 Annual Report* with highlights and conclusions summarized in [Table 13](#).

Even though the NIRB has not yet released the project-specific monitoring program for the Whale Tail Pit Project, the NIRB would expect that some form of post-environmental assessment monitoring would be provided in Agnico Eagle's *2019 Annual Report* as many of the plans state that the comparison would be completed. Therefore, the NIRB has reviewed the *2019 Annual Report* for the same items as described above, which are summarized in [Table 14](#).

Table 13. 2019 Annual Report PEAMP Evaluation for the Meadowbank Gold Mine Project

<u>VEC</u>	<u>PEAMP EVALUATION SUMMARY</u>
Water Quantity	<ul style="list-style-type: none"> ▪ Measured indicators exceeding or potentially exceeding predictions include altered water levels in Third Portage Lake, Second Portage Lake, Wally Lake, and Turn Lake. ▪ Baseline water levels may not have been well defined in the initial impact assessment, and in the absence of quantitative predictions no clear trends are observed, therefore no significant impacts determined to be occurring. ▪ Monitoring programs are considered effective at measuring changes in receiving environment water levels, and mitigation measures considered effective. ▪ No adaptive management measures are proposed.
Water Quality	<ul style="list-style-type: none"> ▪ Comprehensive assessment provided in 2019 CREMP Report (Appendix 35). ▪ Water quality model predictions exceeded in Wally Lake, Second Portage Lake, and Third Portage Lake in 2019 ▪ Parameters exceeding predicted concentrations are ionic compounds (calcium and magnesium), hardness, total alkalinity, chloride, fluoride, nitrate, sulphate, ammonia, silicon, strontium, aluminum, copper, iron, manganese, chromium, silver. ▪ Overall, parameters did not exceed CREMP triggers, are considered to represent a “low” magnitude of impact or are ‘<i>well below levels of concern for aquatic life</i>’. CREMP water quality results were determined to be consistent with “low” significance rating applied to model predictions in the FEIS. ▪ Monitoring programs are considered effective at measuring changes in receiving environment water quality, and mitigation measures considered effective. ▪ No adaptive management measures are proposed for 2020.
Fish and Fish Habitat	<ul style="list-style-type: none"> ▪ Exceedance of CREMP sediment thresholds with potential for mine-related sediment toxicity due to elevated chromium concentrations in Third Portage Lake. ▪ Further study conducted to verify toxicity results and characterize metals bioavailability. Findings indicate there is negligible effects to lower trophic levels at Third Portage Lake.

<u>VEC</u>	<u>PEAMP EVALUATION SUMMARY</u>
	<ul style="list-style-type: none"> ▪ Monitoring programs are considered effective with the exception of dike interstitial water quality and worker fishing, however interstitial water quality will be sampled in 2021. Fishing not considered significant source of potential impacts, and no formal monitoring recommended. ▪ Mitigation measures considered effective. No further adaptive management measures are proposed for 2020.
Terrestrial Environment and Wildlife	<ul style="list-style-type: none"> ▪ 2019 Wildlife Monitoring Summary Report (Appendix 52) provided complete assessment of wildlife monitoring programs and comparison to monitoring thresholds in the Terrestrial Ecosystem Management Plan (TEMP Version 6) and FEIS predictions. ▪ Thresholds in TEMP Version 6 developed in consultation with the Terrestrial Advisory Group (TAG) and represent quantitative measurement endpoints that trigger management action. In 2018, TEMP Version 5, most caribou monitoring thresholds replaced by Caribou Management Decision Tree as an approach to reduce sensory disturbance to caribou. Quantitative thresholds still in place for most other valued components (vegetation, predatory mammals, small mammals, raptors, water birds, breeding birds). ▪ No thresholds exceeded for Meadowbank site and AWAR in 2019. ▪ Monitoring programs considered effective, with exception of raptor nesting success, due to limited statistical power (small number of nests monitored). Habitat loss for small mammals no longer monitoring requirement. ▪ Annual audit of mitigation measures within TEMP evaluates mitigation implementation, success, redundancy, etc. Staged approach in 2019 reviewed safety barriers, berms, and designed crossing on the WTHR). A complete mitigation audit to be discussed with the TAG for 2020. Mitigation considered effective in 2019. ▪ Adaptive management recommendations for 2020 include: <ul style="list-style-type: none"> ○ Discussion with TAG regarding replacement of height-of-land surveys with roadside observation points, effectiveness of Caribou Decision Management Tree. ○ Continuation of Hunter Harvest Survey (HHS) quarterly meetings with participants. ○ Comprehensive raptor nest survey of Meadowbank and Whale Tail sites including along the WTHR. ○ Analysis of Program for Regional and International Shorebird Monitoring (PRISM) and bird transect data at request of Canadian Wildlife Service. ○ Gather information on deceased animals (e.g., sex, age) to include in incident reports.

<u>VEC</u>	<u>PEAMP EVALUATION SUMMARY</u>
	<ul style="list-style-type: none"> ○ Non-native plant monitoring study to assess introduction of invasive species. Surveys to be conducted annually, with mechanical removal recommended to control 14 identified non-native species.
Noise	<ul style="list-style-type: none"> ▪ One (1) impact prediction exceeded at station R5 (AWAR), although marginally and attributed to aircraft flyover. ▪ Exceedance determined not audibly different from predicted value and no further investigation conducted. ▪ A trend analysis from 2009 onward was conducted for all monitoring stations. No clear trends observed towards increasing sound levels at any station, with highest sound levels occurring in 2012. ▪ Monitoring programs and mitigation measures are considered effective. ▪ No adaptive management measures are proposed for 2020.
Air Quality	<ul style="list-style-type: none"> ▪ Measured parameters comparable to FEIS predictions include NO₂, PM_{2.5}, and PM₁₀. Where quantitative comparisons to field monitoring results were feasible, no exceedances of these parameters occurred in 2019 and greenhouse gas emissions (GHG) were also below the predicted value. ▪ FEIS predictions for total suspended solids (TSS) and dust deposition are determined not suitable for comparison to monitoring results. However, a review of the FEIS modelling and supplemental comparisons of dustfall results is provided in response to the NIRB's 2018-19 Recommendations (see Section 2.2.2.1 for a summary of Agnico Eagle's response). ▪ FEIS modelling for Vault Haul Road assumed worst case level of air pollution (due to fugitive dust) would be less than air quality objectives, and that impacts to air quality would be lower on the AWAR. Vault Haul Road and AWAR dustfall monitoring results were compared to validate FEIS assumptions, indicating FEIS predictions were accurate. ▪ Monitoring and mitigation is considered effective; no adaptive management actions or supplemental monitoring programs are planned for 2020. A complete analysis of air quality monitoring results in comparison to regulatory criteria is provided in the 2019 Air Quality and Dustfall Monitoring Report.
Permafrost	<ul style="list-style-type: none"> ▪ FEIS predictions indicated a degradation of permafrost associated with building construction, and development of permafrost associated with dikes, the TSF, and WRSF. As predictions are related to closure-phase impacts, results of monitoring demonstrate progress only, however validity of predictions cannot yet be determined.

<u>VEC</u>	<u>PEAMP EVALUATION SUMMARY</u>
	<ul style="list-style-type: none"> ▪ Monitoring programs and mitigation measures are considered effective. No adaptive management proposed for 2020.
Socio-economic (Meadowbank Gold Mine and Whale Tail Pit Projects Combined)	
Inuit Employment	<ul style="list-style-type: none"> ▪ Predictions considered generally supported by the data collected to date. Inuit represent 20 % of the total workforce, lower than the 42 % predicted. ▪ Factors considered in comparison to FEIS predictions include predictions were based on headcount, and current numbers reported in FTEs, and total number of employees is much higher than predictions, therefore challenging to meet given existing Inuit labour pool.
Employment Skill Level	<ul style="list-style-type: none"> ▪ Predictions not quantitative, however overall generally supported. ▪ Struggled to increase number of skilled Inuit, current low of two (2) Inuit employed; semi-skilled Inuit employed has decreased as percentage of total to 29 %; Total unskilled Inuit positions has steadily increased.
Health Centre Visits	<ul style="list-style-type: none"> ▪ Specific contributions of Agnico Eagle’s operations to changes in community health care visits cannot be determined. ▪ From 2009 to 2016, visits for mental health and behavioural disorders tripled, musculoskeletal system diseases increased by 60 %, injuries and poisonings increased by 39 %. Contributing factors included increased need due to community health changes, increased health centre capacity, greater awareness of health services, willingness to seek help.
Health and Safety Training	<ul style="list-style-type: none"> ▪ Primary metric (mandatory training hours) does not directly assess the FEIS predictions, however considered supported. ▪ Mandatory training hours have remained the same since 2017. Training may offer benefits to employees in terms of life skills and may inform the interpretation of data on health and safety outcomes. ▪ Employee survey indicates that 80 % of Inuit employees have discussed important work values with children and youth in homes/communities.
Public Infrastructure	<ul style="list-style-type: none"> ▪ Use of public infrastructure by employees include primarily airports and consistent since operations began in 2010. No indication of significant positive or negative impacts.

<u>VEC</u>	<u>PEAMP EVALUATION SUMMARY</u>
Social Assistance	<ul style="list-style-type: none"> Available data does not allow specific effect to be identified. No clear correlation between Agnico-related employment and social assistance requirements in Baker Lake or Arviat. Data suggests that expenditures and percentage of households receiving social assistance have declined in Rankin Inlet since Meadowbank began operation.
Overall Evaluation	<ul style="list-style-type: none"> Monitoring measures are considered effective. In some cases, existing programs cannot specifically determine the impact of Agnico Eagle's operations on observed changes. These metrics include: health centre visits, social assistance use, and health and safety awareness among families and communities Overall no significant departures from FEIS predictions, therefore mitigation measures considered effective and not adaptive management proposed.

Table 14. 2019 Annual Report PEAMP Evaluation for the Whale Tail Pit Project.

<u>VEC</u>	<u>PEAMP EVALUATION SUMMARY</u>
Water Quantity	<ul style="list-style-type: none"> Whale Tail Lake water level and dewatering discharge, and Mammoth Lake, Northeast Sector, A46, and Nemo Lake water levels exceeded or potentially exceeded predictions. Exceedances likely due to record rainfall in 2019 and maximum predicted flood levels reached. Although some available predictions did not align with monitoring methods, monitoring programs are considered effective at measuring changes in receiving environment water levels, and mitigation measures considered effective. Environmental Design Features are incorporated into construction plans but are not considered ongoing mitigation measures. Adaptive management have already been implemented in consultation with regulatory agencies to handle flood levels including temporarily pumping water to other areas. No additional measures are proposed for 2020.
Water Quality	<ul style="list-style-type: none"> Water quality model predictions were exceeded for TSS or turbidity in Whale Tail North basin dewatering effluent, but not considered significant. Receiving environment water quality predictions: impact predictions available for Mammoth Lake only. Parameters exceeded predictions, however all within the range of uncertainty (one order magnitude).

<u>VEC</u>	<u>PEAMP EVALUATION SUMMARY</u>
	<ul style="list-style-type: none"> ▪ Monitoring programs able to address all FEIS impacts and mitigation considered effective. No adaptive management measures planned.
Fish and Fish Habitat	<ul style="list-style-type: none"> ▪ Most FEIS predictions based on changes to habitat as result of dewatering Whale Tail Lake North and associated terrestrial flooding. Final validations will not be complete until 2020 when flooding completed. Concentrations of nutrients generally increased in Mammoth Lake compared to baseline, but only ammonia-N concentration exceeded predictions, and is attributed to natural variability. ▪ Significant increases to biomass in Whale Tail South and Mammoth Lake, results appear due to combined natural variability and mining-related activities. ▪ Overall FEIS predictions for changes to lower trophic level not quantitative but nutrient concentrations and primary production have increased as anticipated. ▪ Monitoring effective with exception of impacts to zooplankton. Zooplankton not included in standard CREMP due to very high natural variability. ▪ No impact predictions exceeded in 2019, so no adaptive management proposed.
Terrestrial Environment and Wildlife	<ul style="list-style-type: none"> ▪ 2019 Wildlife Monitoring Summary Report (Appendix 52) provided complete assessment of wildlife monitoring programs and comparison to monitoring thresholds in the Terrestrial Ecosystem Management Plan (TEMP Version 6) and FEIS predictions. ▪ Thresholds in TEMP Version 6 developed in consultation with the Terrestrial Advisory Group (TAG) and represent quantitative measurement endpoints that trigger management action. 2019 represents first year of PEAMP for Whale Tail. ▪ No TEMP threshold exceeded for the Whale Tail site and haul road in 2019. ▪ Monitoring considered effective; mitigation measures as described in the TEMP audited annually. Stage approach to mitigation audit in 2019 (review of safety barriers, berms, and designed crossings along the WTHR. Mitigations considered effective. ▪ Continued implementation of the TEMP in 2020 along with several management recommendations.

<u>VEC</u>	<u>PEAMP EVALUATION SUMMARY</u>
Noise	<ul style="list-style-type: none"> ▪ Sound levels not recorded due to error in operation of the noise meter, results not available in 2019. Steps to be taken in 2020 to ensure proper data collection. ▪ Although error occurred, planned monitoring program considered effective. ▪ Adaptive management actions to ensure noise levels are measured include equipment re-training and review of noise data immediately following initial monitoring events to ensure no logging errors and sufficient data collected.
Air Quality and Climate	<ul style="list-style-type: none"> ▪ Measured rates of dustfall along the WTHR commonly exceeded FEIS predicted rates of dust deposition in 2019. Metrics considered valuable as screening tool only. Dustfall canisters used for monitoring useful for understanding trends or validating models, rather than comparisons to model outputs. ▪ Sampling methods to be adapted in 2020 to improve comparisons, from ground canisters to elevated containers on two (2) metre height stands. This is considered part of adaptive management. ▪ Difficult to compare air quality model outputs with specific monitoring results, however most criteria air contaminants at Meadowbank and Whale Tail sites are able to be effectively measured.
Permafrost	<ul style="list-style-type: none"> ▪ Residual impacts not directly measured for permafrost but captured in assessment of other Valued Ecosystem Components. ▪ Details on monitoring are available in the associated plans, however not designed to validate predictions. ▪ If impacts to other VECs are exceeding predictions as a result of permafrost changes, adaptive management will be considered. None required to date.

In addition to review of Agnico Eagle's PEAMP evaluation, the NIRB reviewed and provides comments on the following topics within the *2019 Annual Report* for both the Meadowbank Gold Mine Project and the Whale Tail Pit Project.

Meadowbank Gold Mine Project

Managing attraction of carnivores and/or raptors – Condition 25

Condition 25 requires the Proponent to manage and control waste in a manner that reduces or eliminates the attraction of carnivores and/or raptors to the site. In addition, the Proponent is required to employ legal deterrents to carnivores and/or raptors at all landfill and waste storage areas. In 2019, during the NIRB site visit, staff did not observe wildlife deterrents for the Meadowbank Gold Mine Project (landfill, waste storage areas, or fuel tank farm at Baker Lake). The resulting Board Recommendation #1 in 2019, requested the Proponent to provide an explanation for lack of deterrents in place at the Baker Lake fuel tank farm or Quarry 22, and to propose a timeline for the remediation of quarry sites along the AWAR that have been used by raptors for nesting.

The Proponent's response indicated a commitment to employing approved deterrents for carnivores at the Meadowbank landfill, as well as reinstalling deterrents at the Baker Lake fuel tank farm. The NIRB confirms that Agnico Eagle has reinstalled bird deterrents at both the Baker Lake Marshalling Facility and the Meadowbank Fuel Tank Farm (see Section 3.4; or 2020 Site Update Report⁸). Additionally, the Proponent committed that deterrents would be installed before the next 2020 nesting season in Quarry 22 to allow for continued remediation, however stated that remediation for quarries along the AWAR was not planned until 2031-2032 according to the ICRP and therefore presence of raptors is not a concern for these locations at this time (see Section 3.5.2 for a discussion of progressive reclamation and updates to the ICRP). Review of the 2020 Site Update Report notes that the Proponent installed a deterrent and bird cannon at Quarry 22 in 2020, but had to remove as they were ineffective. The NIRB will review the results of deterrent placement and effectiveness in the Proponents 2020 Annual Report in fulfillment of the Board's 2019 Recommendation.

Road safety search and rescue position – Condition 34

Condition 34 requires the Proponent to work with the Hamlet of Baker Lake, KIA, GN, and the Royal Canadian Mounted Police to facilitate hiring of a full-time road safety, search and rescue position. The purpose of the position as stated would be to respond to safety matters arising from mine and unauthorized non-mine use of the AWAR. In 2019, Agnico Eagle reported two (2) incidents of non-mine unauthorized use of the AWAR. While Agnico Eagle maintains a fully staffed security gatehouse at Baker Lake on a 24/7 schedule with staff that monitor safety, traffic and security of all personnel and the public using the road, there does not appear to be a position specifically designated for search and rescue that could respond to matters such as the incidents reported in 2019. Additionally, it is unclear how the associated parties were consulted regarding search and rescue response protocols for the AWAR. Therefore, the NIRB considers the Proponent to be deficient in fulfillment of the term and condition.

⁸ Public Registry ID: 331809

- The NIRB requires Agnico Eagle provide a detailed account of the procedures and protocols in place to respond to safety matters on the AWAR. The Proponent shall clarify whether it has filled the position as per the term and condition, and if not, how current procedures are able to respond effectively to safety matters.

Placement of local area marine monitors – Condition 36

Condition 36 requires that Agnico Eagle place/hire local area marine mammal monitors onboard all vessels transporting fuel or materials for the Project through Chesterfield Inlet. Although approximately 56 ships with fuel and goods ingress/egress at Baker Lake from Chesterfield Inlet in 2018, only one (1) marine mammal monitor was hired for a period between August 6 to August 23, 2018. In 2019, Agnico Eagle reported approximately 58 ships, of which again only one (1) local marine monitor was hired for a period between September 19 to 24, 2019. In response to the Board’s 2019 Recommendation #2 around this concern, the Proponent outlined an action plan to meet the term and condition, including additional recruitment efforts, and the alternative to hire from other communities within the Kivalliq region, or to supplement coverage with locally hired Agnico Eagle staff already employed by the Proponent’s Environmental Department. The NIRB looks forward to reviewing the results of the Proponents progress towards meeting this term and condition within its 2020 Annual Report.

Minimum flight altitudes – Condition 61 and 62F

Condition 61 requires updates to the Terrestrial Ecosystem Management Plan (TEMP) to include minimum flight altitudes for migratory birds, but also stipulate the use of flight corridors to avoid areas of significant wildlife importance, where ‘significant wildlife’ is defined to include ungulates, raptors, predatory mammals, and migratory birds. The condition is to be read together with Condition 62f, which requires the Noise Monitoring and Abatement Plan to include minimum flight altitudes of 610 metres when flights are passing sensitive wildlife and birds. The commentary associated with the condition is clear that the Proponent should demonstrate how these requirements are communicated to pilots. While the Noise Monitoring and Abatement Plan (Version 3, 2018) appears to include the required flight altitude. In contrast the TEMP states a minimum altitude of 300 metres is followed for caribou, muskox, and other wildlife for flights to and from the mine site.

- The Proponent shall clarify the discrepancy between the minimum flight altitudes between the TEMP and Term and Condition 61. The NIRB also requests information on how flight corridors are being used according to the Condition and how the direction of both Condition 61 and 62f for minimum flight altitudes is communicated to aircraft pilots for implementation.

Whale Tail Pit Project

Ongoing engagement in project monitoring, modelling, management, and reporting

Item number 13 under Section 4.1 of the Whale Tail Pit Project Certificate No. 008 states the following:

“The Proponent is encouraged to provide on-going opportunities for consultation and comment on any substantive revisions to the Project-specific monitoring program, modelling, studies, management plans, management measures, and reporting under the Project Certificate.”

As also noted in [Appendix II](#) of this report, the NIRB notes it appears the Proponent considers fulfillment of this item through the implementation of other terms and conditions related to the monitoring program. The Proponent has not demonstrated specific efforts to present revisions of plans or results of its monitoring programs to communities for consult and comment. Although the Proponent has reported within its' *2019 Annual Report* on various meetings and events held for public consultation purposes in regards to other terms and conditions within the Project Certificate, it is not clear how results of its ongoing monitoring programs are communicated effectively to the affected communities.

- The Proponent shall provide a summary to the NIRB that demonstrates the implementation of Item 13 of the Project Certificate. The summary shall be provided to the NIRB within 60 days of the issuance of this report.

Noise monitoring

The *2019 Annual Report* noted that although noise monitoring was conducted according to the Noise Monitoring and Abatement Plan (Version 3, 2018) for noise monitoring stations R6 – R11, an error in settings resulted in no sound levels logged for the duration of the field season at R7 – R11. The Proponent's PEAMP Evaluation acknowledges that monitoring in 2019 did not effectively address FEIS predictions, however moving forward the operation error will be corrected and therefore the overall monitoring program is considered effective. The Proponent does not elaborate on the corrective measures that would be employed to ensure the noise monitoring program is implemented effectively. The NIRB highlights the importance of proper and complete data collection in order to ensure that potential impacts are being appropriately monitored and mitigated, and that the Proponent is able to provide a timely adaptive management response should noise levels be measured that exceed FEIS predictions.

- The NIRB requests the Proponent provide details on the corrective measures it has taken to ensure this type of operation error does not occur in future in the 2020 Annual Report and/or the next revision of the Noise Monitoring and Abatement Plan.

3.3 COVID-19 UPDATE

On May 7, 2020 the NIRB corresponded with all proponents that had project certificates with the Board to note that the NIRB would be continuing to fulfill its on-going project assessment and monitoring responsibilities during the COVID-19 pandemic, but noting that modifications to the Board's normal practices may be required to ensure compliance with public health measures imposed to prevent the spread of COVID-19. In the Board's correspondence, proponents were encouraged to contact NIRB to identify whether their COVID-19 response measures would have implications for their respective operations and monitoring programs, particularly their ability to fulfill their environmental protection and monitoring requirements, including highlighting any effects on compliance reporting for the 2020-2021 reporting year.

Agnico Eagle submitted the following update on June 25, 2020 to the NIRB regarding changes at site:

- All employees are tested on site and there were no cases as of June 25, 2020 (have a lab to test on site).
- Measures have been put in place to eliminate any interactions between the mine personnel and local communities.
- Currently no travel restriction from non-local community to access the Meadowbank Complex.
- Consultants can still come to site as long as they are coming from a location down south.
- Conference calls, Facebook, or other forms of non-contact engagement are used to discuss impacts of shipping, socio-economic, AWAR issues with stakeholders and the community and gather input.
- Carrier to conduct marine monitoring observations instead of locally hired marine monitor.
- Creel survey and HHS start was delayed due to shipping and travel restrictions but now on track using community members to distribute trackers and collect data
- AWAR is monitored by Agnico Eagle with restrictions but in June a Baker Lake monitor was hired to conduct surveys along the road with no contact to mine employees:
 - Gate was managed remotely with dispatch located at mine site but since May 9th there has been physical presence with no community interaction after receiving OK from the Government of Nunavut Chief Medical Officer.
 - Gate is kept close to restrict unauthorized access. Have remote monitoring through cameras.
- Socio-economic monitoring committee and TAG using emails and/or teleconference to meet and work on required items:
 - Conference calls, videoconference calls, webinars, Facebook communications and other alternatives to the annual in-person SEMC meeting and updates of the SEMP Re Whale Tail Pit Expansion are being discussed with the SEMWG.
- Collection of community socio-economic data may be limited as this is collected by other stakeholders that provide info to Agnico Eagle.
- Study on contaminant levels in country foods in consultation with Health Canada is delayed to 2021.
- Security at the Baker Lake storage/marshalling area is still run by Agnico Eagle and they will have no contact with the community.
- Agnico will continue to monitor/collect data within its control for the TEMP and will work with stakeholders to understand potential impacts on monitoring.
- Have ongoing engagement with BLHTO.

- Trying to reschedule the drone project for caribou monitoring to the fall as it could not happen in the spring.
- Site visit with TAG to refine re-sloping is postponed until restrictions are lifted.
- 2020 field season for migratory bird monitoring with consultation of ECCC has been postponed to 2021.

3.4 NIRB SITE UPDATE AND PUBLIC INFORMATION SESSION

In 2020 the NIRB was unable to conduct a site visit to visually inspect activities occurring related to the Projects and assess compliance with the requirements of the Meadowbank Gold Mine and Whale Tail Pit Projects due to restrictions of Public Health Orders for the COVID-19 pandemic in place at the time. However, the NIRB was able to conduct community information sessions on August 26 and 27, 2020 in Baker Lake to update, discuss, and receive feedback from community members on the NIRB's monitoring program for the Meadowbank Gold Mine and Whale Tail Pit Projects. For the site update and more information regarding this meeting, please refer to the 2020 Site Update Report.⁹

The following is a summary of the observations in the Site Update Report for both projects. Based on the Proponent's Annual Report, discussions, updates, and photos provided by the Proponent, the sites appear to be well managed and well maintained with appropriate environmental protection measures and procedures in place.

Observations of Meadowbank Site

The Monitoring Officer noted the following successes at the Meadowbank facilities:

- Bird deterrents were reinstalled at the Baker Lake Marshalling Facility and at the Meadowbank Fuel Tank Farm;
- Groundwater wells continue to be working and operational since the revisions of the groundwater well program.
- Reclamation of the North Cell Tailings Storage Facility is still ongoing and progressing.
- Dustfall monitoring stations along the AWAR were moved from ground canisters, to approximately two (2) metre height poles in accordance with revisions to the Air Quality and Dustfall Monitoring Plan (Version 5, March 2020). One (1) transect continues to have a ground canister for validation.

As with years past, Agnico Eagle appears to be in compliance with a majority of the terms and conditions contained within the Meadowbank Project Certificate No. 004; however, there may be certain situations in which the Proponent has not yet fully met the requirements of the Project Certificate and which require further consideration and attention.

Term and Condition 25 requires that the Proponent employ legal deterrents to deter carnivores and/or raptors at all landfill and waste storage areas. Since 2017, raptors (Peregrine Falcon) have nested at

⁹ Public Registry ID: 331809

various quarry sites along the AWAR including Quarry 22 which had been used previously used as temporary storage for contaminated hydrocarbon soil until the landfarm was developed. Plans are in place to remediate this quarry site but have been delayed due to the active Peregrine Falcon nests at this quarry site. In 2020, Agnico Eagle tried to prevent nesting with a bird decoy and bird cannon at Quarry 22, however they were unsuccessful and were removed due to bird presence. Additionally it appears from the photos that segregation of pallets (wood) from the landfill for recycling has not been effective.

Term and Condition 74 requires that the Proponent employ environmentally protective techniques to suppress any surface dust. To date, this condition has not been met by the Proponent as dust suppressants have not been employed along the whole AWAR. The Proponent notes that dust suppressants that have been applied to date have been at the mine site, along the access road between the Baker Lake facility and the gatehouse, and along three (3) critical areas at km 10-12, 24-26, and 48-50, as agreed upon with the Baker Lake Hunters and Trappers Organization as well as two (2) additional sites at km 68-70 and 80-84.

The NIRB also notes that a portion of the liner at the Baker Lake Marshalling Facility continues to be exposed in 2020.

Observations of the Whale Tail Pit Site

The Monitoring Officer notes the following successes at the Whale Tail Pit facilities:

- Re-sloping of the WTHR in some areas and installation of a remote wildlife camera for caribou monitoring and mitigation
- Spill response equipment has been installed at 125.5 km and 146 km along the WTHR with three (3) more to be placed in 2020.
- Dustfall monitoring stations along the WTHR were moved from ground canisters, to approximately two (2) metre height poles in accordance with revisions to the Air Quality and Dustfall Monitoring Plan (Version 5, March 2020). One transect continues to have a ground canister for validation.

Agnico Eagle appears to be in compliance with a majority of the terms and conditions contained within the Whale Tail Pit Project Certificate No. 008; however, there may be certain situations in which the Proponent has not yet fully met the requirements of the Project Certificate and which require further consideration and attention.

Term and Condition 1 of the Project Certificate No. 008, Amendment 001 requires the Proponent to implement continuous NO₂ monitoring downwind of mining activities. Agnico Eagle notes that it plans to install the monitoring station by the end of 2020, at approximately 132 km of the WTHR (see [Section 4.0](#) of this report for discussion).

Term and Condition 2 requires that the Proponent verify commitments to the utilization of dust suppressants along the AWAR, the Whale Tail haul road and any other roads and trails associated with the Project. To date, this condition has not been met by the Proponent as dust suppressants have not been employed along the whole AWAR, the Whale Tail Haul Road and the Whale Tail Pit site roads. However, Agnico Eagle notes that in 2020 dust suppressant was applied along the entire length of the WTHR.

Term and Condition 32 requires the Proponent to work with parties to ensure that safety barriers, berms, and designed crossings associated with project infrastructure, including the haul road, are constructed and operated as necessary to allow for the safe passage of caribou and other terrestrial wildlife. As noted above, it appears re-sloping of some sections of the WTHR has occurred to allow wildlife to easily cross the road, however it is unclear which locations or percentage of total length has been re-sloped.

NIRB notes the exploration camp has not yet been fully dismantled but is planned to be fully decommissioned by early October 2020. Additionally it appears from the photos that segregation of pallets (wood) from the landfill for recycling has not been effective.

3.5 AREAS REQUIRING FURTHER STUDY OR CHANGES TO THE MONITORING PROGRAM

3.5.1 Appendix D and the Annual Report

The Boards' 2019 Recommendations to the Proponent regarding the PEAMP for the Meadowbank Gold Mine Project intended to address this topic, with requests to update the content and format of the PEAMP reporting within the *2019 Annual Report* to better meet the requirements of Appendix D of the Project Certificate No. 004 (see [Table 4](#) for a summary of the Board's recommendation and the Proponents response). The NIRB acknowledges that the Proponent has made significant efforts within its *2019 Annual Report* to improve upon the clarity of its reporting and to include additional trend analyses, which includes comparison of monitoring results to FEIS predictions. With regards to future reporting, the NIRB would reiterate to the Proponent that a summary of lessons-learned from the Project to date that can be applied to both updating existing project plans and to any of Agnico Eagle's other planned or ongoing projects as applicable, would contribute to and likely enhance the overall monitoring and management efforts for Agnico Eagle's Kivalliq Region projects. The NIRB looks forward to continued improvement of the Proponent's reporting of the PEAMP as previously recommended, including a summary of 'lessons-learned' as applicable, within this section of the 2020 Annual Report.

3.5.2 Interim Closure and Reclamation Plan

In 2019 the NIRB noted that the Meadowbank Gold Mine Project was reaching the end of its predicted mine life, and that Agnico Eagle had effectively completed active mining at the Meadowbank site. The NIRB noted that limited detail had been provided by the Proponent on opportunities for progressive reclamation and further requested that the ICRP be updated to a *Final* Closure and Reclamation Plan in accordance with Term and Condition 78 and 79 of the Project Certificate (see [Table 11](#) of this report). The Proponent has noted that it considers the Meadowbank site to still meet the criteria for 'operations'

due to continued use of the Meadowbank infrastructures for the Whale Tail Pit Project. The NIRB would highlight a commitment from the Public Hearing for the Meadowbank Gold Mine Project as appended to the Project Certificate No. 004 (Appendix A, Commitment #19) which states “*Consult with stakeholders and update its reclamation and closure plan with the final design for decommissioning once this information becomes available*” and that the timing for implementation of this commitment was ‘operations’.

The NIRB also notes that CIRNAC has made recommendations to the Proponent on its’ 2017, 2018, and 2019 Annual Reports regarding provision of more details of progressive reclamation within the ICRP. While the NIRB acknowledges that the Proponent has made some updates to its ICRP submitted as part of the 2019 Annual Report, there remains insufficient detail to demonstrate the Proponent’s commitment to progressive reclamation, or to fully understand work completed to date.

- The NIRB is requesting Agnico Eagle provide additional detail on progressive reclamation work completed for the Tailings Storage Facility and Waste Rock Storage Facility at the Meadowbank mine site and include more details on the specific timelines for planned progressive reclamation opportunities. The NIRB requires the updated ICRP to be provided in the 2020 Annual Report.

3.5.3 Terrestrial Ecosystem Management Plan

On April 22, 2020 Agnico Eagle submitted an update to its Terrestrial Ecosystem Management Plan, Version 8 to the NIRB. Following concerns noted by the Baker Lake Hunters and Trappers Organization¹⁰, the NIRB issued a request for TAG members to comment on whether they were consulted on the revisions within the TEMP Version 8. Overall, TAG members determined they were not adequately consulted on the TEMP Version 8 as per the TAG Terms of Reference, prior to the plan being submitted to the NIRB. Following an opportunity to address comments, the Proponent provided a response noting that it would continue to work with the TAG to resolve the identified issues and reach consensus based decisions to develop a final version of the TEMP Version 8.¹¹ The Proponent indicated an approximate timeline for consensus of these issues and the provision of the revised TEMP was expected in the fall 2020. The NIRB notes it has not yet received the finalized TEMP Version 8, however is encouraged by Agnico Eagle’s response that it is working collaboratively through the TAG to reach a consensus on the monitoring and mitigation measures within the TEMP. The NIRB looks forward to the provision of the finalized TEMP Version 8, and requests Agnico Eagle provide an approximate timeline for its submission.

However, the NIRB notes through review of the 2019 Annual Report, parties’ comments, and the Proponent’s responses, that there appears to be inconsistency with regards to the version of the TEMP that is referenced to apply. Additionally, it is unclear in certain scenarios which version of the TEMP was being implemented. The NIRB would clarify that with regards to assessing compliance with the Project Certificate terms and conditions, the NIRB refers to the final version(s) of the plan as submitted prior to or within that monitoring year. For example, in the 2019 monitoring year, two (2) versions of the TEMP

¹⁰ Public Registry ID: 329801

¹¹ Public Registry ID: 330748

were in implementation: TEMP Version 6, December 2018; and TEMP Version 7, June 2019 (into effect after submitted to the NIRB). As the Proponent has retracted the TEMP Version 8, it is not considered in effect, and the NIRB expects that the Proponent continued to apply monitoring and mitigation measures consistent with the TEMP Version 7 from its submission to such time that the next revision is finalized by the TAG and received by the NIRB.

- The NIRB requests the Proponent to ensure that future submissions of relevant updates to monitoring and mitigation plans are clearly noted to be finalized versions. The NIRB requires that the Proponent clearly state which plan version is being implemented, to avoid future confusion with regards to assessing compliance.

4.0 FINDINGS

As noted in Section [1.0](#), the objectives of the NIRB's monitoring programs are:

- a) measure the impact of the project on the ecosystemic and socio-economic environments of the designated area;*
- b) determine whether the project is carried out in accordance with the terms and conditions imposed under subsection 152(6) or set out in the original or amended project certificate;*
- c) provide the information necessary for regulatory authorities to enforce the terms and conditions of licences, permits or other authorizations that they issue in relation to the project; and*
- d) assess the accuracy of the predictions contained in the project impact statement.*

The NIRB notes that Agnico Eagle is not in full compliance with the following Terms and Conditions of the Meadowbank Gold Mine Project Certificate, and that recommendations from the Board have been provided to the Proponent under separate cover.

a. Suppression of surface dust – Term and Condition 74

Please refer to the discussion under the Whale Tail Pit Project – [Term and Condition 2](#) below, for the NIRB's comments and recommendations on this topic.

b. Incinerator stack testing and secondary chamber temperatures – Term and Condition 72

Within the *2018 Annual Report*, Agnico Eagle stated that there were eight (8) times during 2018 where the temperatures did not reach 1,000°C in the secondary chamber, noting this represents 2.36 % of total burn out of the 339 days the incinerator was in operation for the 2018 year. The *2019 Annual Report* states that there were 60 times during 2019 where temperatures did not reach 1,000°C in the secondary chamber, noting this represents 19 % of the total burn out of the 319 days the incinerator was in operation for the 2019 year. Agnico Eagle noted that the increase is significant and clearly shows the need to reset operating conditions of the incinerator. The Proponent links the underperformance of the incinerator to repetitive burn malfunctions and implemented a procedure to manage load capacities, as well as completed adjustments on the programming sequence. While the Proponent has also suggested other modifications to improve overall performance, there is no detail provided for the specific actions

or plan that would be implemented, for the NIRB to have confidence that the incinerator will be able to consistently maintain the required burn temperature in every sequence.

The NIRB also notes a previous comment from Environment and Climate Change Canada (ECCC) (February 2015) regarding low incineration temperatures, which stated:

“The EC Technical Document for Batch Waste Incineration recommends that temperature in the incinerator secondary chamber remain above 1000°C to ensure complete combustion. From the Proponent’s Daily Report Logbook, for nearly one third of the burn cycles the secondary chamber temperature was reported as less than 1000°C. The Proponent should be more vigilant to ensure that sufficient temperatures are maintained to minimize the release of contaminants to the environment.”

On September 14, 2020 the NIRB followed up with ECCC with respect to the incinerator stack testing frequency and the secondary chamber temperatures reported by the Proponent. On September 24, 2020 the NIRB received a response from ECCC which provided guidance and advice to the NIRB on these issues. With respect to incinerator temperatures, ECCC notes the decreasing ability to maintain appropriate temperatures in the secondary chamber and points to the Canadian Council of Ministers of the Environment (CCME) *National Guidelines for Hazardous Waste Incineration Facilities* which recommend that temperatures in the secondary chamber remain above 1,000°C to ensure complete combustion of waste and minimize emissions of dioxins and furans.

Considering ECCC’s guidance and comments with regards to incinerator temperatures, and the increasing trend of underperformance of the incinerator in 2018 and 2019, the NIRB recommends that the Proponent provide a detailed action plan for the modifications to the incinerator that are necessary to improve performance within 60 days of the issuance of this Report.

Within its’ February 2015 correspondence, the ECCC noted that the Canada Wide Standards (CWS) for dioxins and furans states that *“...where five years’ data has been accumulated with all results reported below the Level of Quantification (emission standard), the stack testing frequency may be revised to a biennial schedule so long as all subsequent test results remain below the emission standards.”*

On August 19, 2020 The NIRB received correspondence from the Proponent, requesting a reduction to stack testing frequency from annual to biennial, based on five (5) previous years of results for dioxins and furans, and mercury below the emission standards. Although the request was initially made to ECCC, in its response to the Proponent it stated that annual stack testing is a requirement of the Term and Condition 72 of Project Certificate No. 004. Subsequently, ECCC noted that advice related to the Canada Wide Standards is provided to the NIRB as guidance as ECCC does not regulate air quality emissions at this time.

ECCC provided further clarification on the Canada Wide Standards for dioxin and furans and for mercury in response to the NIRB’s September 14, 2020 request. ECCC noted with respect to dioxins and furans,

that considering one (1) test out of three (3) in 2016 did not meet the Canada Wide Standards, and noting that the Canada Wide Standards for dioxins and furans leave room for interpretation by the jurisdiction, that if the individual stack tests were used instead of the average of the three (3) tests as reported by the Proponent, that the 2016 results could be treated as the most recent exceedance. In addition, with regards to the Canada Wide Standards for mercury, ECCC notes the Canada Wide Standards state the following: “*Larger facilities will be subject to annual stack testing to verify compliance with the limit...*”. Considering the Meadowbank facility meets the mercury Canada Wide Standard definition for a larger facility (one that handles greater than 120 tonnes of waste per year), there would be a requirement for annual stack testing for mercury emissions.

Based on the guidance provided by ECCC, the Canada Wide Standards for dioxins and furans, the Canada Wide Standards for mercury, and the requirements of Term and Condition 72 of the Project Certificate No. 004, Amendment 003, the NIRB does not consider it appropriate at this time for the Proponent to reduce stack testing frequency to a biennial schedule. Therefore, stack testing will continue annually as per the requirements of the term and condition.

Finally, the NIRB notes that Agnico Eagle is not in full compliance with the following terms and conditions of the Whale Tail Pit Project Certificate No. 008 and that recommendations have been provided to the Proponent under separate cover.

a. Continuous monitoring for nitrogen dioxide – Term and Condition 1

Term and Condition 1 of the Project Certificate No. 008, Amendment 001 requires the Proponent to implement continuous monitoring of nitrogen dioxide (NO₂) downwind of mining activities as part of its’ air quality monitoring program. As stated in the project certificate, the intent of the term and condition is to allow for comparison with the relevant standards, including the Canadian Ambient Air Quality Standards, and should be interpreted in accordance with the Reconsideration Report and Recommendations for the Whale Tail Pit Expansion Project Proposal (October 18, 2019). Although the amended Project Certificate did not come into effect until February 19, 2020, Agnico Eagle had reported within its’ *2019 Annual Report* on the location proposed for the NO₂ continuous monitoring site to be constructed in 2020, and indicated through the 2020 Site Update Report that it intends on installing the monitoring location by the end of 2020.

As noted by ECCC, the proposed location is approximately 30 kilometres from the Whale Tail Pit site and therefore it is unlikely that the project activities will influence the ambient NO₂ measured at this location. Additionally, the presence of a diesel generator 200 metres upwind of the proposed location could influence the measurements. ECCC has recommended that the NO₂ continuous monitoring site be: located within at least 10 kilometres of project activities to allow for effective comparison with FEIS predictions; that the diesel generator required for power of the site be located to avoid influence of emissions; and that the continuous monitoring location be co-located with a passive NO₂ sampler. While the NIRB acknowledges Agnico Eagle’s response, indicating its position that the monitoring location is appropriate and will provide regional NO₂ concentrations not unduly influenced by a single facility, the

NIRB notes this perspective differs from the intent of the term and condition, as described by the Board within its Reconsideration Report and Recommendations:

“To ensure that monitoring methods accurately capture potential increases to air emissions that could have effects on workers, wildlife or the terrestrial environment, the Board recommends a revision to the terms and conditions requiring the following (see Section 8.2 for the complete wording of the recommended terms and conditions):

- *Continuous nitrogen dioxide monitoring for the purposes of comparing the results to the FEIS Addendum predictions and relevant standards.*

As commented on by Intervenors, the Board agrees that for the Expansion Proposal the relevant standards for air quality include the Canadian Ambient Air Quality Standards.”¹²

The NIRB also reminds the Proponent of ECCC’s recommendation during the Public Hearing, in part which stated:

“...to include continuous nitrogen dioxide monitoring for the purposes of comparing the monitoring results with the levels predicted in the impact assessment and relevant guidelines.”¹³

It is clear from discussion at the Public Hearing for the Whale Tail Pit Expansion Project and the Board’s decision that the intent of the term and condition was to not only allow for comparison of monitoring results with the Canadian Ambient Air Quality Standards, but also with the FEIS Addendum predictions. The Board considers that it is appropriate to locate the continuous NO₂ monitoring site at an appropriate distance downwind of the Whale Tail mining activities to capture potential increases to air emissions as a result of the Expansion Project activities. The NIRB also notes that discussion at the Public Hearing touched on the co-location of a passive sampler with the continuous NO₂ monitoring site, to assist in validating measurements from passive samplers. Additionally, the revised Term and Condition 1 which added the requirement for continuous NO₂ monitoring, does not negate the other requirements of the term and condition, specifically 1.b which requires the Proponent to demonstrate through active and passive monitoring that concentrations of NO₂ (among other potential contaminants) remain within predicted levels. Proper data collection is essential in order to achieve the term and condition, assist in the determination of predicted emissions, and meet the Canadian Ambient Air Quality Standards. The Proponent will consult Environment and Climate Change Canada to determine an appropriate location for the continuous NO₂ monitoring and report on the results in the next Annual Report.

b. Suppression of surface dust – Term and Condition 2

Term and Condition 2 of Project Certificate No. 008 for Whale Tail Pit requires Agnico Eagle to verify commitments to the utilization of dust suppressants along not only the all-weather access road (AWAR),

¹² Public Registry ID: 327165

¹³ M. Pinto, Environment and Climate Change Canada, NIRB Public Hearing File No. 16MN056 Transcript, August 27, 2019, p. 336-337, lines 25-26 and 1-2.

but the Whale Tail Haul Road (WTHR) and any other roads and trails associated with the Whale Tail Pit Project. Term and Condition 2 also stipulates that the monitoring plan (Air Quality and Dustfall Monitoring Plan) shall include a description of the type of suppressant to be utilized and the frequency and timing of application to be made throughout the various seasons of road use. Regarding this issue in previous years, the Board has noted that dust suppressants are not and have not been applied to the entire length of the AWAR as intended by Term and Condition 74 of the Project Certificate No. 004.

The NIRB acknowledges that Agnico Eagle applied dust suppressant once during the summer 2019 on the WTHR at three (3) locations coinciding with the dustfall monitoring transects. The monitoring results from the WTHR in 2019 indicate that the majority of samples exceeded Final Environmental Impact Statement predictions within 100 m of the road, and occasional exceedances occurred for one (1) location at 300 m from the road. The Board's 2019 Recommendation #1 required the Proponent to update its Air Quality and Dustfall Monitoring Plan to include dust suppression application on the entire length of all surface/project roads used by Agnico Eagle for the Meadowbank Gold Mine and Whale Tail Pit Projects, and to include timelines and triggers for adaptive management. In response, the Proponent committed to provide the updated plan in the *2019 Annual Report* that would "*clearly include all the recommendations/commitments received from both operation and permitting process*".

After review of the Air Quality and Dustfall Monitoring Plan, Version 5, 2020, it does not appear that the Proponent has updated the plan as committed. The dust suppressant locations for the AWAR remain consistent with previous years (five (5) sections totaling <10% of the AWAR length). The Plan also does not discuss any commitments to apply dust suppressant along the entire length of the WTHR, but rather relies on visual observations of the Agnico Eagle road supervisor. The NIRB is encouraged that Agnico Eagle has included numeric thresholds based on Alberta Ambient Air Quality Guidelines to determine when mitigation measures need to be initiated based on results of dustfall sampling, however the numeric thresholds are based on 30 day averages.

It is unclear how mitigation measures such as dust suppressant could be applied in a timely manner to prevent impacts occurring given this time period for monitoring results to become available (collected twice per summer). The NIRB highlights that there is no clear commitment to the utilization of dust suppressant along the entire length of all project surface roads within the monitoring plan. During the community information session that the NIRB hosted in Baker Lake community members expression concern regarding the lack of dust control along the AWAR both for travel and how much dust is observed on the snow. One (1) commenter noted that the primary wind direction is from the northwest which means dust from the road may be blowing southeast to areas where community members collect ice and water regularly. Therefore, the Proponent has not fully met the requirements of Term and Condition 2 or 74 of the Whale Tail Pit or Meadowbank Gold Mine Project Certificates, as dust suppression techniques were not applied along the entire length of all project surface roads. The Proponent has not demonstrated that it intends to fulfill the requirements of the terms and conditions, nor of the commitments made through the associated assessment processes. Therefore, the Proponent shall revise the Air Quality and Dustfall Monitoring Plan to reflect Term and Condition 2 of Project Certificate No.

008 and provide an action plan for the development of a community-based monitoring program for dust within 60 days following the release of this Report.

c. Monitoring for methylmercury in fish tissue – Term and Condition 63

Term and Condition 63 requires the Proponent to conduct studies that monitor methylmercury concentrations (including in fish tissue), with an assessment of potential risk to people from consumption of fish.

In the *2019 Annual Report*, the Proponent stated that mercury and methylmercury were analysed as part of its Mercury Monitoring Plan for Whale Tail South Area (Appendix A, CREMP Addendum). 2019 monitoring results indicate a substantial (~40 times) increase to total mercury, and similar increases to levels of methylmercury across all water sampling stations. The Proponent noted that it is working to verify the accuracy of the 2019 results and further sampling in 2020 will assist in determining the cause.

It is also noted that no fish tissue sampling occurred in 2019 and the Proponent noted that risk-based analyses would be implemented should monitoring results exceed model predictions for fish tissue concentrations. It is also noted the current Mercury Monitoring Plan does not include an assessment of risk to human health from the consumption of fish on an ongoing basis.

Similar to CIRNAC's Recommendation #9 on the Proponents' *2019 Annual Report*, the NIRB notes that given the spike in mercury and methylmercury concentrations in the Whale Tail Lake south basin area, the absence of fish tissue sampling in 2019, and the lack of risk assessment for human health from the consumption of fish in the Project area, that potential impacts may not be monitored appropriately. Additionally, the Proponents conclusion that the approach is supported by low rates of fishing by local residents in the Project area, is not respectful of the substantial concerns voiced by land users during the NIRB's Review process for the Whale Tail Pit Project. Therefore, Agnico Eagle will report on the accuracy of measured mercury concentrations, complete follow-up as required including potentially conducting a human health risk assessment, and clarify why small-bodied fish tissue sampling did not occur in 2019, within 60 days of release of the report.

d. Helicopter traffic monitoring and reporting

Commitment #20 from the Public Hearing for the Whale Tail Pit Project states the following:

"The Proponent shall revise the Project's TEMP to include a program to monitoring and report helicopter traffic associated with the Whale Tail project (including existing Meadowbank infrastructure) and all associated exploration activities so that the spatial scale and intensity of this activity can be documented. This should include the collection and analysis of GPS track logs for all helicopter flights contracted by the Proponent."

Similar to the Government of Nunavut's (GN) comment and Recommendation #1 on the Proponent's *2019 Annual Report*, the NIRB did not find information in the Terrestrial Ecosystem Management Plan (TEMP) (2019 Wildlife Monitoring Summary Report) on helicopter traffic as per the commitment. As written in Section 3.4 of the Project Certificate No. 008, the Proponent will fulfill all commitments made

during the Final Hearing, as the Board’s decision relied on that commitment to ensure that concerns of parties and the public were addressed, and that potential impacts were appropriately monitoring and mitigated. Further, Term and Condition 28 states that the TEMP shall demonstrate consideration for all relevant commitments made by the Proponent throughout the NIRB’s Review of the Whale Tail Pit Project. As further noted by the GN, the Proponent has neglected to fulfill this commitment in 2018 and 2019 through three (3) subsequent revisions of the TEMP. The Board is aware that discussion have been occurring via the Terrestrial Advisory Group, and that Agnico Eagle provided clarification for its lack of monitoring being due to “*infrequent and sporadic use of helicopters*”. The Board is concerned that helicopter traffic is not being monitored as required and that helicopter traffic is going undocumented, leading to parties inability to verify the Proponent’s assertion of infrequent helicopter traffic or determine if any potential impacts to wildlife are occurring. Therefore, Agnico Eagle should work with the Government of Nunavut and the Terrestrial Advisory Group as per Term and Condition 27 and 28, of the Project Certificate No. 008 to revise its Terrestrial Ecosystem Management Plan to incorporate the requirements of Commitment #20.

5.0 CONCLUSIONS

Pursuant to Sections 12.7.2 and 12.7.3 of the *Nunavut Agreement* and ss. 135(3) and 135(4) of the *NuPPAA*, the NIRB will continue to work with Agnico Eagle and other regulatory authorities in order to provide the required evaluation of monitoring efforts, results and compliance as outlined within the Board’s project-specific monitoring programs and in accordance with the requirements set out in the Meadowbank Gold Mine Project Certificate No. 004 and in the Whale Tail Pit Project Certificate No. 008.

During the 2018-2019 monitoring period, Agnico Eagle demonstrated compliance with the majority of the applicable requirements of Project Certificate No. 004, Amendment 003 of the Meadowbank Gold Mine Project. Further, Agnico Eagle is generally meeting the objectives of monitoring and mitigation plans and procedures put in place for the Project. However, certain outstanding issues will require the Proponent’s attention as discussed throughout this report with the main issues identified in this monitoring period as follows:

1. Lack of achievement or progress towards achieving of the following term and conditions: 13, 25, 34, 36, 59, 61, 62, 68, 72, 74, and 86;
2. Ineffective dust control along the AWAR;
3. Incinerator underperformance and stack testing;
4. Road safety, search and rescue fulfillment;
5. Placement of local marine monitors;
6. Minimum flight altitudes for wildlife mitigation;
7. Managing attraction of carnivores and/or raptors to reduce or eliminate attraction to the mine site(s);
8. Updates to the Interim Closure and Reclamation Plan.

In addition, Agnico Eagle demonstrated compliance with the majority of the applicable requirements of Project Certificate No. 008 of the Whale Tail Pit Project and is generally meeting the objectives of monitoring and mitigation plans and procedures put in place for this Project. However, certain outstanding issues will require the Proponent's attention as discussed throughout this report with the main issues identified in this monitoring period as follows:

1. Lack of achievement or progress towards achieving of the following term and conditions: 12 and 13 (under Board Guidance on General Regulatory and Administrative Responsibilities), and 1, 2, 5, 12, 30, 35, 40, 58, 60, and 63 (under Whale Tail Pit Project Specific Terms and Conditions).
2. Air quality monitoring updates for continuous NO₂ monitoring;
3. Ineffective dust control along the AWAR and the WTHR;
4. Updates to the Air Quality and Dustfall Monitoring Plan;
5. Adherence to commitments to monitor and report helicopter traffic;
6. Ineffective noise monitoring;
7. Monitoring for methylmercury in fish tissue.

Prepared by: Erin Reimer
Title: Technical Advisor I
Date: December 3, 2020

Signature: 

Reviewed by: Kelli Gillard, PAg, CTAJ
Title: Manager, Project Monitoring
Date: December 3, 2020

Signature: 

Appendix I Compliance with the Meadowbank Gold Mine Project Certificate No. 004, Amendment 003

<u>Term & Condition</u>	<u>Reporting Requirements</u>	<u>Compliance Achievement</u>	<u>NIRB Comment</u>
Regulatory Requirements (General)			
1. Adherence to the commitments from the original Final Hearing	n/a	Active In Compliance	
2. The NIRB's assignment of a Monitoring Officer	n/a	No Longer Active Completed	Completed by NIRB
3. Must obtain all required federal and territorial permits and other approvals, and shall comply with the requirements of such regulatory instruments.	n/a	Active In Compliance	
4. Prompt and appropriate action to remedy any noncompliance and annual reporting of noncompliance with environmental laws and regulations and/or regulatory instruments.	Annually	Active In Compliance	Summary of non-compliance provided in the <i>2019 Annual Report</i> .
5. Posting of adequate performance bonding.	n/a	No Longer Active Completed	
Monitoring Records			
6. Information requirements for monitoring reporting.	Annually	Active In Compliance	
7. Maintain the records and results of any monitoring, data, or analysis, for a minimum of the life of the Project, including closure and post-closure monitoring.	Annually	Active In Compliance	
Water Quality and Waste Management			
8. Groundwater Monitoring	Annually	Active In Compliance	Agnico Eagle provided a summary of the 2019 groundwater monitoring program in Appendix 46 of the <i>2019 Annual Report</i>
9. Provide plans for water treatment for the tailings (reclaim pond) discharge, and on a contingency basis for the attenuation pond discharge(s) and for the pits.	n/a	No Longer Active Completed	Complete and part of NWB Type "A" water licence 2AM-MEA1526
10. Sewage treatment expectations.	n/a	No Longer Active Completed	Completed prior to water licence approval.
11. Provide details regarding the effluent outfall configuration for Wally Lake in the water license application to the NWB.	n/a	No Longer Active Completed	Completed prior to water licence approval.
12. Provide details of a comprehensive water use and water management plan for the Baker Lake marshalling area, including monitoring of the discharge from the marshalling area sump.	n/a	No Longer Active Completed	Completed prior to water licence approval.
13. Water discharge requirements for Wally Lake and Third Portage Lake.	n/a	Active Deficient - in progress	TSS exceedance of Water Licence criteria noted for discharge to Third Portage Lake.
14. Reclamation and Closure - removal of dewatering dikes expectations	n/a	Not Yet Applicable	At end of mine life; Part E, Item 7 of 2AM-MEA1526

<u>Term & Condition</u>	<u>Reporting Requirements</u>	<u>Compliance Achievement</u>	<u>NIRB Comment</u>
15. Characterization of mine waste materials, including the Vault area, for acid generating potential, metal leaching and non-metal constituents within two years of commencing operations.	n/a	No Longer Active Completed	In its <i>2019 Annual Report</i> , Agnico Eagle provided a summary of the results of sampling NPAG-PAG and classification and comparison to FEIS predictions.
16. N/A-Missed Number	n/a		n/a
17. Undertake detailed technical review of all dike and pitwall designs at the final design stage, and submit the final dike designs for water depths of greater than 10 metres for an expert analysis.	n/a	No Longer Active Completed	
18. Commit to a pro-active tailings management strategy through active monitoring, inspection, and mitigation.	n/a	Active In Compliance	Update to Waste Rock and Tailings Management Plan, Version 10 provided in <i>2019 Annual Report</i> .
19. Tailings cover requirements.	Annually	Active In Compliance	In its <i>2019 Annual Report</i> , Agnico Eagle provided a summary of the instrumentation installed including a description of the results from the 2019 reporting period.
20. Mitigation measures for contamination from tailings and assessment of fault permeability to groundwater movement.	n/a	No Longer Active Completed	Characterization of geologic structures and hydrogeological 3-D model completed in 2017 and updated in 2018 for in-pit tailings deposition. Further updates to model planned for closure.
21. Installation of a weather station at the mine site to collect atmospheric data, including air temperature and precipitation.	Results to be submitted annually	Active In Compliance	Summary of results reported.
22. Fund an on site lab that has the capability to monitor parameters at a type and at a frequency acceptable to the NWB and EC at all site discharge points.	n/a	Active In Compliance	A small laboratory is on site.
23. Water quality monitoring QA/QC	Results to be submitted annually	Active In Compliance	Summary of QA/QC for water quality monitoring in <i>2019 Annual Report</i>
24. Identify an area and design for a landfill for disposal of operational and closure non-salvageable materials with design incorporated into Waste Management Plan.	n/a	Active In Compliance	1) Hazardous Materials Management Plan, version 4, April 2019; 2) Landfill Design and Management Plan, version 4, October 2018
25. Managing attraction of carnivores and/or raptors to reduce or eliminate attraction at all landfills and waste storage areas.	n/a	Active Deficient - in progress	1) Incinerator Waste Management Plan version 8, October 2018; 2) Landfill Design and Management Plan, version 4, October 2018; Non-compliance noted in 2018/2019 regarding effective deterrents. Agnico Eagle committed to employing approved deterrents for carnivores and raptors prior to 2020 nesting season. Undetermined whether this has been completed.
26. Ensure spills are cleaned up and site maintained clean of debris	n/a	Active In Compliance	Spill Contingency Plan, Version 7, April 2019
27. Fuel and hazardous materials storage	n/a	Active In Compliance	1) Hazardous Materials Management Plan, Version 4, April 2019; 2) Spill Contingency Plan, Version 7, April 2019 provided
28. Signatory to the International Cyanide Management Code, communicate this to shippers.	n/a	Active In Compliance	Agnico Eagle received full ICMC certification in March 2016. Recertification received January 2019.

<u>Term & Condition</u>	<u>Reporting Requirements</u>	<u>Compliance Achievement</u>	<u>NIRB Comment</u>
Project Alternatives and Planned Changes			
29. Reporting on plans for expansion, particularly the use of Second Portage Lake as preferred alternative for tailings management.	n/a	Active In Compliance	Reporting on in-pit tailings disposal approval in 2019.
30. Application to Schedule 2 of the Metal Mining Effluent Regulations, including the No Net Loss Plan expectations	n/a	No Longer Active Completed	Updated No Net Loss Plan, October 2012; Habitat Compensation Monitoring Plan, Version 4, February 2017
All-Weather Private Access Road			
31. Stream crossing design criteria along with maintenance plan and mitigation and monitoring expectations.	Report to DFO, NWB, INAC, GN	No Longer Active Completed	Complete and part of DFO permits and NWB water licence
32. (Amended) All-weather access road to be operated as private access road with limited access for all-terrain vehicles.	Annually for 32e, 32f, 32g and 32h	Active In Compliance	<u>32g</u> : A summary of the non-mine authorized road use was provided in the <i>2019 Annual Report</i> . <u>32e; 32f and 32h</u> : Agnico Eagle provided a summary of the consultation conducted with respect to the AWAR for the 2019 monitoring period. Two (2) incidents involving non-mine authorized use occurred in 2019.
33. Access and Air Traffic Management Plan	n/a	Active In Compliance	Agnico Eagle provided an updated AWAR Transportation Management Plan dated March 2017 that replaces the Access and Air Traffic Management Plan as part of the 2016 Annual Report.
34. Full-time road safety, search and rescue position	n/a	Active Deficient - in progress	Agnico Eagle notes that it has a 24 hour dispatch at Baker Lake gatehouse, 24 hour security guard on site, and emergency response team for the AWAR. However, no confirmation of the designated safety, search, and rescue position.
35. Reclamation for all-weather private access road at the end of the mine life unless approval obtained to maintain and operate beyond life of mine.	n/a	Not Yet Applicable	At end of mine life which includes the life of the Whale Tail Pit project
36. Local area marine mammal monitors onboard all vessels	n/a	Active Deficient - in progress	One (1) local marine mammal monitor was hired for the period of September 19 to 24, 2019. The <i>2019 Annual Report</i> notes that approximately 58 barges arrived in Baker Lake in 2019.
37. Contract only Transport Canada certified shippers and require up-to-date emergency response/spill handling equipment.	n/a	Active In Compliance	
38. Shipping requirements through Chesterfield Inlet – limited number of ships where possible.	n/a	Active In Compliance	
39. Annual community information meeting in Chesterfield Inlet to fully discuss the shipping program for the Project.	Annually with consultation report submitted within one month of meeting	Active In Compliance	Meetings were held in Chesterfield Inlet and Coral Harbour in 2019 with summaries provided in the <i>2019 Annual Report</i> . Note: no public attendance due to communication issue.
40. Traditional Knowledge from the local HTOs and Chesterfield Inlet - marine mammals, cabins, hunting, and other local activities in the Inlet.	Annually; Copy DFO on result;	Active In Compliance	Meetings were held in Chesterfield Inlet and Coral Harbour in 2019 with summaries provided in the <i>2019 Annual Report</i> . Note: no public attendance due to communication issue.
41. Mitigation procedures for marine mammals.	n/a	Active In Compliance	Reported that no marine mammal interactions occurred in 2019.
42. Fuel transfer operational requirements	n/a	Active In Compliance	No issues of non-compliance reported in <i>2019 Annual Report</i> .

<u>Term & Condition</u>	<u>Reporting Requirements</u>	<u>Compliance Achievement</u>	<u>NIRB Comment</u>
43. Lightering activities at Helicopter Island are not approved, except in case of emergency only, with explanation required if used.	n/a	Active In Compliance	No issues of non-compliance reported in <i>2019 Annual Report</i> .
44. Spill Contingency and Emergency Response Plan	Provide to EC, TC, GN, DFO, and NWB. Transport Canada - Marine Safety requires Oil Pollution Emergency Plan for any Oil Handling Facility operated by Cumberland.	Active In Compliance	1) Spill Contingency Plan, Version 7, April 2019 provided; 2) Emergency Response Plan, Version 14, January 2020 provided; 3) Oil Pollution Emergency Plan, Version 11, April 2020.
45. Insurance requirements for contracted shippers	n/a	Active In Compliance	No claims reported for 2019.
Fish and fish-habitat			
46. Freshwater intake pipe requirements and design	n/a	No Longer Active Completed	Part of DFO permits and NWB water licence
47. Water flow from Third Portage Lake, including consideration of alternatives.	n/a	No Longer Active Completed	Part of DFO permits and NWB water licence. Proponent comes to same conclusions as presented in reports from 2015 to 2018.
48. Term and condition deleted following review of Vault Pit Amendment (<i>see Project Certificate amendment 002</i>)	n/a	No Longer Active Completed	n/a
49. (<i>Revised</i>) Fish-out programs for the dewatering of Second Portage Lake, Third Portage Lake, Vault Lake and Phaser Lake.	Results provided annually to NIRB	No Longer Active Completed	No fishout programs occurred in 2019.
50. Barge landing facility design to prevent infilling of fish habitat.	n/a	No Longer Active Completed	Part of DFO permits and NWB water licence
51. Creel surveys within waterbodies affected by the Project and in consultation with the HTO.	n/a	Active In Compliance	CREEL surveys reinitiated in 2019 with completed discussion and historic data provided in <i>2019 Annual Report</i> .
52. No-fishing policy	n/a	Active In Compliance	No incidents reported in 2019.
53. (<i>Revised</i>) Fish Habitat Monitoring Plan to be developed to also include Phaser Lake	Results provided annually to NIRB	Active In Compliance	1) Fish Habitat Offsetting Plan: Phaser Lake Addendum, 2017; 2) Habitat Compensation Monitoring Plan, Version 4, February 2017; Summary of results reported.
Wildlife and Terrestrial			
54 a, b, c, d. Provide updated Terrestrial Ecosystem Management Plan including requirements for a Hunter Harvest Study.	Results submitted in the annual Wildlife Summary Monitoring Report.	Active In Compliance	54 a, b, c, d: Terrestrial Ecosystem Management Plan, Version 7 submitted with <i>2019 Annual Report</i> .
<u>54e</u>		Active In Compliance	54e: Hunter Harvest Study reinitiated in 2019 with results provided in <i>2019 Annual Report</i>
<u>54f</u>		No Longer Active Completed	54f: Agnico Eagle suspended the waterbird nest survey program in 2013 along the mine site and along the AWAR due to low densities of waterbird nests identified.
<u>54g</u>		No Longer Active Completed	54g: The most recent PRISM plot survey was conducted in 2015.
<u>54h</u>		Active In Compliance	54h: 2019 Wildlife Monitoring Summary Report submitted as part of the <i>2019 Annual Report</i> .

Term & Condition	Reporting Requirements	Compliance Achievement	NIRB Comment
55. Provide Wildlife Summary Monitoring Report including further analysis up to 2007.	Annual Wildlife Monitoring results submitted must include baseline monitoring; effects monitoring; and compliance monitoring.	No Longer Active Completed	2019 Wildlife Monitoring Summary Report includes monitoring results for 2019.
56. Protection of caribou migration paths, including maps developed in consultation with Elders, HTOs	Report information on caribou migration corridors annually	Active In Compliance	Caribou telemetry data provided within the 2019 Wildlife Monitoring Summary Report. Last update to migration corridors provided in 2014 Annual Report.
57. Participate in the caribou collaring program as directed by GN-DoE	n/a	Active In Compliance	Agnico Eagle is collaborating with GN-DoE in caribou satellite-collaring program as per MOU (2017).
58. Design the lighting and use of lights at the mine site to minimize sensory disturbance to wildlife.	n/a	Active In Compliance	Met with Baker Lake HTO in 2019 to discuss topics related to wildlife management.
59. Deterrence of caribou at the tailings facility.	n/a	Active Deficient - in progress	Met with Baker Lake HTO in 2019 to discuss topics related to wildlife management. Site update report noted no deterrence installed at TSF.
60. Stop work policy when wildlife in the area that may be endangered by work.	n/a	Active In Compliance	Road closures reported in 2019 Wildlife Monitoring Summary Report. For caribou, related to TEMP caribou decision tree. See Whale Tail Pit Project Certificate No. 008, Term and Conditions 27, 28, and 30.
61. Aircraft flight altitudes and corridors to avoid wildlife incorporated into TEMP and Air Traffic Management Plan. Read with term and condition 62F.	n/a	Active Deficient - in progress	Partially incorporated into TEMP, Version 7, June 2019; and Noise Monitoring and Abatement Plan, Version 3, June 2018. Not clear if/how flight corridors have been established and implemented.
62. Develop and implement a noise monitoring and abatement plan to protect people and wildlife from significant mine activity noise. Read together with term and condition 61.	Annually; Demonstrate how direction communicated to pilot.	Active Deficient - in progress	Noise Monitoring and Abatement Plan, Version 3, June 2018. Summary of noise monitoring program results provided in <i>the 2019 Annual Report</i> . TEMP states minimum altitude of 300 m for caribou, muskox, and other wildlife; however, Term and Condition specific to 610 m and it is unclear how direction was communicated to pilots.
Socio-economic			
63. GN and INAC form a Meadowbank Gold Mine Socio-Economic Monitoring Committee ("Meadowbank SEMC") and develop terms of reference.	Within six (6) months of issuance of a Project Certificate	Active In Compliance	Draft terms of reference provided April 29, 2008. Finalized terms of reference provided March 2019. Referred to as the "Kivalliq SEMC" and includes the Whale Tail Pit Project and Meliadine Gold Mine Project. Supported by Socio-economic Monitoring Working Group (includes GN and CIRNAC).
64. Develop terms of reference for Socio-economic Monitoring Program.	Within six (6) months of issuance of a Project Certificate	Active In Compliance	Draft terms of reference provided April 29, 2008. Finalized terms of reference provided March 2019. Supported by Socio-economic Monitoring Working Group (includes GN and CIRNAC). Socio-economic Monitoring Program Report provided in <i>2019 Annual Report</i> .
65. Information on community of origin of hired Nunavummiut.	Annually	Active In Compliance	Reported in 2019 Socio-economic Monitoring Program Report.
Human Health			
66. Establish a nursing station and hire a registered on-site nurse.	n/a	Active In Compliance	Temporary nursing station established 2008 and a permanent station was established in 2011.

Term & Condition	Reporting Requirements	Compliance Achievement	NIRB Comment
67. Monitoring of contaminant levels in country foods through a plan developed in consultation with HC	n/a	Active In Compliance	Studies were completed in 2014 and then 2017. Results of the Wildlife Screening Level Risk Assessment and Human Health Risk Assessment for the Consumption of Country Foods were provided in appendices attached to the 2017 Annual Report. Completed every three (3) years, with the next update scheduled for 2020.
68. Demonstrate incorporation of Inuit societal values into mine operation policies.	n/a	Active Deficient - in progress	Reported consultation with Baker Lake HTO on wildlife related issues. Unclear how the Proponent is working towards this Term and Condition.
69. Conduct proper archaeological surveys with reporting provided to the GN.	n/a	Active In Compliance	Archaeological impact assessment conducted along AWAR in 2019 - no sites identified. Report submitted to GN Culture and Heritage.
70. Report any archaeological site discovered during the course of construction, including a burial site, immediately and concurrently to the GN and KIA.	n/a	No Longer Active Completed	Complete unless new archaeological sites are discovered. No new sites identified in 2019.
Air Quality			
71. Install and fund an atmospheric monitoring station to focus on particulates of concern generated at the mine site.	Annually	Active In Compliance	The results of the 2019 Air Quality and Dust Monitoring Program conducted by Agnico Eagle was provided in the <i>2019 Annual Report</i> . Air Quality and Dustfall Monitoring Plan, Version 4, submitted March 2019.
72. On-site incinerators to comply with standards. Stack testing annually.	Annually	Active Deficient - in progress	Stack testing reduced to biennial following discussion with ECCC (2012). Exceedance in 2014 resulted in return to annual stack testing. Stack testing conducted in 2019. Agnico Eagle proposing to return to biennial schedule.
73. Energy conservation, monitoring of greenhouse gas emissions, and consideration of new technologies to meet Canadian standards.	n/a	Active In Compliance	Previous and current initiatives reported. Monitoring results combined with Whale Tail Pit Project (see Project Certificate No. 008, Term and Condition 3)
74. Employ environmentally protective techniques to suppress any surface road dust.	n/a	Active Non-compliance	Dust suppressants applied to five (5) locations along the AWAR in 2017, 2018, 2019 during first week July. Plans to continue to apply dust suppressant in this manner in 2020.
Accidents and malfunctions			
75. Complete list of possible accidents and malfunctions and accident risk assessment for the Project.	n/a	Active In Compliance	A list of possible accidents and malfunctions were included in the following management plans: i) Hazardous Materials Management Plan, v5, March 2020; ii) Spill Contingency Plan, v10, February 2020; iii) Emergency Response Plan, v14, January 2020; iv) Oil Pollution Emergency Plan v11, March 2020; v) OMS Manual for TSF v9, February 2019; vi) OMS Manual for the dewatering dikes v8; February 2019.
76. Early Warning Monitoring Program along the east boundary of the Project's local study area (mine and road) including the location where Third Portage Lake flows into Tehek Lake with involvement from Baker Lake and Chesterfield Inlet.	Results to be provided annually	Active In Compliance	Related to the Aquatic Effects Management Program (AEMP). v4, March 2020; and Core Receiving Environment Monitoring Program (CREMP): 2015 Plan Update, November 2015.

<u>Term & Condition</u>	<u>Reporting Requirements</u>	<u>Compliance Achievement</u>	<u>NIRB Comment</u>
77. Review Emergency Response Plan in coordination with Hamlets of Baker Lake and Chesterfield Inlet	n/a	Active In Compliance	
Abandonment and Reclamation			
78. Closure and Reclamation Plan.	n/a	Active In Compliance	Updated Interim Closure and Reclamation, April 2019.
79. Final Closure and Reclamation Plan; additional expectations in addition to NWB requirements.	n/a	Not Yet Applicable	Updated Interim Closure and Reclamation Plan, April 2019.
80. Updates on progressive reclamation and security posted for KIA, INAC and/or NWB.	Annually	Active In Compliance	Minimal to no progressive reclamation completed or ongoing in 2019. Summary of opportunities reported in <i>2019 Annual Report</i> .
Other			
81. 24-hour security at the Baker Lake Facility.	n/a	Active In Compliance	
82. Monitor the ingress/egress of ship cargo at Baker Lake and report any accidents or spills immediately	Annually	Active In Compliance	Summary of results reported. No spills occurred in 2019.
83. Adherence to Natural Resources Canada's regulations for explosives.	n/a	Active In Compliance	
84. Hamlet of Baker Lake the first right of refusal to purchase salvageable mine assets located within the Hamlet of Baker Lake boundaries.	n/a	Not Yet Applicable	At the end of mine life
85. Blasting Monitoring Program	Annually	Active In Compliance	Summary of results reported. No Peak particle velocity (PPV) exceedances reported in 2019.
Duty to Comply			
86. Duty to Comply to Project Certificate Terms and Conditions.	n/a	Active Deficient - in progress	Majority of terms and conditions in compliance, however several terms and conditions determined non-compliant or deficient for the 2019 monitoring period (#13, 25, 34, 36, 59, 61, 62, 68, 72, 74).
Monitoring/Water Quality and Waste Management			
87. (New for in-pit tailings disposal modification) Prior to the deposition of tailings into the Portage or Goose Pits, file with the NWB a report containing updated hydrogeological modelling addressing information gaps.	Reporting requirements as determined by water licence.	No Longer Active Completed	2018 Annual Report included the In Pit Tailings Deposition Thermal Modelling Report (Appendix 19) and the Meadowbank In-Pit Tailings Disposal – Thermal and Hydrogeological Modelling Update to Address NRCan's Comments (Appendix 20).

Appendix II Compliance with the Whale Tail Pit Project Certificate No. 008, Amendment 1

Appendix II-1: Board Guidance on General Regulatory and Administrative Responsibilities

<u>Term & Condition</u>	<u>Reporting Requirements</u>	<u>Compliance Achievement</u>	<u>NIRB Comment</u>
General Regulatory Requirements			
1. Appointment of Monitoring Officer(s)	n/a	Active In Compliance	Completed by NIRB
2. NIRB to report annually on the monitoring program (in English, Inuinnaqtun, and Inuktitut)	Annually	Active In Compliance	Completed by NIRB
3. NIRB to conduct periodic community meetings updates regarding its Monitoring Program	n/a	Active In Compliance	Completed by NIRB
4. NIRB to schedule periodic site inspections.	n/a	Active In Compliance	Completed by NIRB
5. Proponent must obtain all required federal and territorial permits and other approvals and shall comply with the requirements of such regulatory instruments.	n/a	Active In Compliance	
6. Duty to Comply with environmental laws and regulations and/or regulatory instruments, prompt action to remedy non-compliance and report any non-compliance.	Annually	Active In Compliance	Four (4) exceedances related to Water Licence 2AM-WTP1826 and MDMER regulation in 2019.
7. Posting of adequate performance bonding.	n/a	Active In Compliance	
Monitoring Records			
8. Information requirements for monitoring reporting.	Annually	Active In Compliance	
9. Make significant monitoring results and/or summaries of significant results available in English, Inuinnaqtun, and Inuktitut, to the extent feasible.	Annually	Active In Compliance	Executive summaries for all plan updates, reports and studies were provided in the 2020 Annual Report in both French and Inuktitut.
10. Maintain the records, including results, of all Project-related monitoring data and analysis for the life of the Project, including closure and post-closure monitoring.	n/a	Active In Compliance	
11. Maintenance of an up to date the Environmental Impact Statement and the updated environmental monitoring programs developed for the Project as new information is collected.	Updated as indicated by new baseline data or monitoring results.	Active In Compliance	
12. Publicly-accessible Project-specific web portal or web page to make available in a central location all significant non-confidential monitoring and reporting information submitted to regulatory authorities	n/a	Active Deficient - in progress	Webpage planned to be updated in 2020 with monitoring and reporting information. Facebook page active since 2018 and used in 2019 for public communication.

<u>Term & Condition</u>	<u>Reporting Requirements</u>	<u>Compliance Achievement</u>	<u>NIRB Comment</u>
On-going Engagement in Project Monitoring, Modelling, Management and Reporting			
13. Provide on-going opportunities for consultation and comment on any substantive revisions to the Project-specific monitoring program, modelling, studies, management plans, management measures, and reporting.	Continuous/ongoing.	Active Deficient - in progress	The NIRB notes it appears the Proponent considers fulfillment of this term and condition through the implementation of other terms and conditions related to the monitoring program. The Proponent has not demonstrated specific efforts to present revisions or results of its monitoring programs to communities for consult and comment.
14. To the extent feasible, the NIRB will provide an opportunity for comment on any substantive revisions to the Project-specific monitoring, modelling, studies, management plans, management measures, and reporting provided by the Proponent under the Project Certificate.	Ongoing.	Active In Compliance	Completed by NIRB

Appendix II-2: Whale Tail Pit Project Specific Terms and Conditions

<u>Term & Condition</u>	<u>Reporting Requirements</u>	<u>Compliance Achievement</u>	<u>NIRB Comment</u>
Air Quality			
1. Air Quality Monitoring and Management Plan including specific air quality monitoring thresholds that will trigger adaptive management responses and actions. Active and passive monitoring shall be used. Revision: Undertake continuous NO ₂ monitoring downwind of mining activities and comparison to CAAQS.	Annually	Active Deficient - in progress	Air Quality and Dustfall Monitoring Plan, Version 5, March 2020. The Proponent has determined a location for continuous NO ₂ monitoring that does not align with the intent of the term and condition, nor with discussion at the Public Hearing.
2. Mitigation dust impacts on project roads. Includes dust suppression on all project roads.	Annually	Active Non-compliance	Air Quality and Dustfall Monitoring Plan, Version 5, March 2020. Dust suppressants applied to five (5) locations along the AWAR in 2017, 2018, 2019 during first week July. Proponent plans to continue to apply dust suppressant in this manner in 2020. Additionally, despite dustfall exceedances on the WTHR, no dust suppressant application was reported for 2019.
Climate and Meteorology			
3. Greenhouse Gas (GHG) Reduction Plan.	Monitoring results reported annually.	Active In Compliance	Greenhouse Gas Reduction Plan, Version 1, May, 2018. Results summary of the 2019 monitoring program. Noted that as combined emissions for Meadowbank and Whale Tail were more than 50Kt of CO ₂ equivalent, a report will be submitted to ECCC's Greenhouse Gas Emission Reporting Program. NIRB notes that an updated Greenhouse Gas Reduction Plan, Version 3, April 2020 is available on the NIRB Public Registry [Doc. ID: 329409], which was updated to address commitments made during the Whale Tail Pit Expansion Project assessment, however this version was not in effect for the 2019 monitoring period.
Noise and Vibration			
4. Site design for noise reduction.	Plans 30 days prior to construction activities.	No Longer Active Completed	Noise Monitoring and Abatement Plan, Version 3, June 2018.
5. Noise monitoring to minimize sensory disturbance to wildlife.	Annually	Active Deficient - in progress	Noise Monitoring and Abatement Plan, Version 3, June 2018. Summary of monitoring results provided. Equipment error for R7-R11 - no results available. Results only for R6 - did not exceed FEIS predictions.
Terrestrial Environment (Geology and Geochemistry)			
6. Hydrodynamic modelling to evaluate mixing of WRSF seepage into Mammoth Lake post-closure. Adaptive management strategies.	Annually	Active In Compliance	Hydrodynamic modelling results provided in the 2018 Annual Report (Appendix 16 – Whale Tail Hydrodynamic Modelling for Mammoth Lake). However, noted that no activities undertaken in 2019 to address the term and condition.
7. Mine Waste Rock and Tailings Management Plan	Updates/revisions submitted annually or as otherwise required.	Active In Compliance	Waste Rock Management Plan, version 5, March 2020. Includes revisions to address Regulatory Authorities recommendations.

<u>Term & Condition</u>	<u>Reporting Requirements</u>	<u>Compliance Achievement</u>	<u>NIRB Comment</u>
8. Acid Rock Drainage and Metal Leaching Management Plan	Updates/revisions submitted annually or as otherwise required.	Active In Compliance	Operational ARD-ML Sampling and Testing Plan, Version 4, April 2019. Thermal Monitoring Plan, Version 3, March 2020. Summary of results reported.
Geological Features, Soils and Permafrost			
9. Site-specific geotechnical investigations.	Annually as applicable	No Longer Active Completed	Site Specific Geotechnical Studies, June 2018. No geotechnical investigations to report in 2019.
10. Site-specific permafrost monitoring, mapping and thermal analysis in consultation with INAC and NRCan.	Annually as applicable	Active In Compliance	Additional studies completed in 2019 to develop detailed engineering design for capping of WRSF and included thermal modelling to assess capping thickness.; Thermistor results report in Thermal Monitoring Report in 2019 <i>Annual Report</i> .
11. Erosion Management Plan.	Annually as applicable.	Active In Compliance	Updates provided in the <i>2019 Annual Report</i> , and monitoring conducted under the following plans. i) Water Quality Monitoring and Management Plan for Dike Construction and Dewatering, Version 1, January 2017; ii) Erosion Management Plan, Version 1, June 4, 2018; iii) Water Quality and Flow Monitoring Plan, Version 6, March 2019; iv) Core Receiving Environment Monitoring Program (CREMP): 2015 Plan Update, November 2015.
12. The Closure and Reclamation Plan to include a program to progressively reclaim disturbed areas in a manner that demonstrates the Proponent has considered aesthetic values of local communities.	Summary of progressive reclamation and community feedback to be provided annually.	Active Deficient - in progress	2018 Annual Report states no progressive reclamation completed in 2019. No details on community feedback or engagement regarding progressive reclamation provided. i) Whale Tail Pit Interim Closure and Reclamation Plan, June 2016; ii) <i>Whale Tail Pit Expansion Interim Closure and Reclamation Plan, Version 1, November 2018.</i>
13. Explore the feasibility of topsoil/organic matter salvage as part of project development and provide updates to the Closure and Reclamation Plan.	Annually	Active In Compliance	<i>2019 Annual Report</i> : As per the 2016 Whale Tail ICRP, "active revegetation has not been planned at this time as part of the reclamation plan given the cold climate setting of the Project." Proponent states that research is planned for 2020, and that ongoing studies from the Meliadine Gold Mine Project will inform management of the Whale Tail site.
Hydrogeology and Groundwater Quantity and Quality			
14. Thermal Monitoring Plan	Annually as applicable.	Active In Compliance	Thermal Monitoring Plan, Version 3, March 2020. Additional studies completed in 2019 to develop detailed engineering design for capping of WRSF and included thermal modelling to assess capping thickness; Thermistor results report in Thermal Monitoring Report in 2019 <i>Annual Report</i> .
15. Groundwater Monitoring Plan	Annually	Active In Compliance	Updated Groundwater Monitoring Plan, version 3, April 2020. Summary of results reported in <i>2019 Annual Report</i> .
16. Groundwater Monitoring Plan to include hydrogeological characterization to assess potential arsenic diffusion from wall of Whale Tail Pit.	Additional analyses added to Groundwater Monitoring Plan within two years of	Active In Compliance	Updated Groundwater Monitoring Plan, version 3, April 2020, intended to address Term and Condition. Summary of results reported in <i>2019 Annual Report</i> .

<u>Term & Condition</u>	<u>Reporting Requirements</u>	<u>Compliance Achievement</u>	<u>NIRB Comment</u>
	operations, with updates submitted annually.		
Surface Water Hydrology, Surface Water Quality and Sediment Quality			
17. Monitor surface water quality.	Annually	Active In Compliance	Summary of results provided in <i>2019 Annual Report</i> .
18. Site Water Monitoring and Management Plan	Annually	Active In Compliance	Summary of results provided in <i>2019 Annual Report</i> .
19. Core Receiving Environment Monitoring Program (CREMP)	Annually	Active In Compliance	Summary of results provided in <i>2019 Annual Report</i> .
Freshwater Aquatic Environment			
20. Setback distance between project quarries and borrow pits from fish-bearing or permanent waterbodies.	Annually, throughout quarry development and operation.	Active In Compliance	Agnico Eagle noted that a setback distance of 31 metres was adhered to between all quarries and waterbodies.
21. Design of project infrastructures in watercourses that do not prevent or limit the movement of water or fish species in fish bearing streams and rivers.	Annually	Active In Compliance	Summary of design reports submitted in <i>2019 Annual Report</i> . Design reports approved by NWB, with opportunity for DFO to comment.
22. Blast Monitoring Program	Annually	Active In Compliance	Update to Blast Monitoring Program, Version 4, March 2020. Blast memo submitted to DFO in 2019 regarding Mammoth Dike and Whale Tail South Channel construction. Monitoring evaluates PPV and overpressure to protect nearby fish bearing waters. Summary of results provided.
23. Mammoth Lake monitoring of trophic status and/or change.	Annually and 30 days prior to closure	Active In Compliance	Mammoth Lake and downstream lakes will be investigated through site-specific study conducted by University of Waterloo. Research combined with CREMP to assess changes annually. Details of study plan provided in 2018, with follow-up surveys in 2019. Research ongoing until 2022.
24. Fish habitat offsetting viability of Whale Tail Lake and Pit at closure.	Within 60 days of the issuance of the Project Certificate.	Active In Compliance	Whale Tail Pit - Fish Habitat Offsetting Plan, Version 1, March 2018; DFO confirmed in December 2018 that the Whale Tail Pit - Fish Habitat Offsetting Plan is in compliance. Plan to be updated as required with any changes between baseline and predicted conditions for operations and post-closure scenarios; Fish Habitat Offset Monitoring Plan, Version 1, March 2018. Monitoring plan resubmitted to DFO in March 2019 and waiting on DFO comments to update.
Vegetation			
25. Prevention of invasive species.	Annually	Active In Compliance	Non-native plant monitoring study initiated in 2019. Summary of results provided.
26. Revegetation strategies to promote progressive reclamation in Closure and Reclamation Plan	Within three (3) years from the commencement of construction, information regarding the revegetation strategies developed and implemented shall be	Active In Compliance	<i>2019 Annual Report</i> : As per the 2016 Whale Tail ICRP, "active revegetation has not been planned at this time as part of the reclamation plan given the cold climate setting of the Project." Proponent states that research is planned for 2020, and that ongoing studies from the Meliadine Gold Mine Project will inform strategies at the Whale Tail site.

<u>Term & Condition</u>	<u>Reporting Requirements</u>	<u>Compliance Achievement</u>	<u>NIRB Comment</u>
	included in Annual Report to the NIRB. Subsequently, progress shall be provided annually.		i) Whale Tail Pit Interim Closure and Reclamation Plan, June 2016; ii) Whale Tail Pit Expansion Interim Closure and Reclamation Plan, Version 1, November 2018.
Terrestrial Wildlife and Wildlife Habitat			
27. Participate in a Terrestrial Advisory Group (TAG).	Finalized Terms of Reference for the TAG shall be provided to the NIRB within six (6) months of issuance of the Project Certificate. A summary of outcomes from Terrestrial Advisory Group meetings to be provided to NIRB in Annual Report.	Active In Compliance	Finalized Terms of Reference submitted November 1, 2018. Summary of outcomes provided in <i>2019 Annual Report</i> .
28. Terrestrial Ecosystem Management Plan (TEMP)	Updates/revisions provided as appropriate. Results reported annually.	Active In Compliance	i) Terrestrial Ecosystem Management Plan, Version 6 submitted December 2018; ii) Terrestrial Ecosystem Management Plan, Version 7 submitted June 2019. NIRB notes that version 7 was submitted in 2019 as part of the Whale Tail Pit Expansion Proposal assessment, and prior to the approval of Amendment 001 of the Project Certificate, and therefore this version is not considered in effect for the 2019 monitoring period. iii) Terrestrial Ecosystem Management Plan, Version 8 was submitted April 22, 2020 but after clarification was confirmed to be in draft form.
29. Collaborate with GN to collect collar data and quantify effects of project components on caribou movement.	Annually	Active In Compliance	Summary of results provided in <i>2019 Annual Report</i> .
30. Caribou group size thresholds (GST) to trigger mitigation	Annually or as thresholds are otherwise modified	Active Deficient - in progress	Unclear how GSTs were refined and incorporated into the TEMP for the applicable monitoring period (2019). Agnico Eagle notes that "more stringent monitoring and mitigations measures were incorporated into the TEMP" which resulted in 60 days of road closure in 2019. Additional study on the parturition rates of caribou is ongoing and additional analysis on the effects of the road to caribou was completed in 2019. Agnico Eagle will continue discussions with the TAG on caribou protection measures in 2020.
31. Traffic monitoring along WTHR via Road Access Management Plan	Annually	Active In Compliance	Whale Tail Haul Road Management Plan, Version 2, April 2019 intended to meet term and condition requirement. Summary of traffic rates provided, no exceedances of FEIS predictions noted in 2019.
32. Project infrastructure design for wildlife crossing.	Summaries of engagement with BLHTO and details of selected crossings to be provided annually.	Active In Compliance	Discussions ongoing within the TAG in 2019 regarding permeability and design. Further discussions and site visit planned for 2020.
33. Wildlife incident reports	Annually	Active In Compliance	Results reported in the 2019 Wildlife Summary Report (Appendix 52 of the <i>2019 Annual Report</i>) and summary provided.

<u>Term & Condition</u>	<u>Reporting Requirements</u>	<u>Compliance Achievement</u>	<u>NIRB Comment</u>
Birds and Bird Habitat			
34. Migratory Birds Protection Plan	Annually	Active In Compliance	Migratory Bird Protection Plan, Version 3, March 2020 updated based on results of research as recommended by ECCC. Summary of results reported. Audio and visual deterrents deployed, however preliminary results indicated not effective at deterring birds from nesting.
35. Species at Risk - monitoring and mitigation strategies.	Annually	Active Deficient - in progress	Unclear from <i>2019 Annual Report</i> summary whether mitigation strategies were implemented and how identified species were monitored. Further summary should be provided within the next Annual Report.
36. Consult with the GN-DoE prior to removal/deterrence of raptors.	Annually	Active In Compliance	No removal or deterrence of raptors reported in 2019.
Marine Environment including Marine Wildlife and Habitat			
37. Shipping Management Plan	Updated annually or as required.	Active In Compliance	Agnico Eagle has developed and maintained a Shipping Management Plan, Version 2, April 2018.
38. Ship routing to avoid sensitive wildlife habitat.	Annually	Active In Compliance	<i>2019 Annual Report</i> confirms the routing south of Coats Island is being used as the primary shipping route. One vessel had a single passage north of Coats Island due to safety concerns of the vessel in 2019.
39. Ship transit setback distance from colonies and aggregations of seabirds and marine mammals.	Annually	Active In Compliance	<i>2019 Annual Report</i> confirms mitigation requirements are being followed.
40. Ship-based Marine Mammal Monitoring Program in consultation with DFO, communities and interested parties.	Plan updates submitted annually as required. Annual reporting.	Active Deficient - in progress	Marine Mammal Management and Monitoring Plan, Version 1, April 2018. Marine Mammal and Seabird Observer Report submitted in <i>2019 Annual Report</i> . No marine mammal vessel strikes recorded in 2019. Seven (7) sightings of marine mammals occurred. Monitors were not present on every barge in 2019.
41. Notify communities of scheduled ship transits.	Summary of public consultation annually.	Active In Compliance	Summary of public consultation provided in <i>2019 Annual Report</i> .
42. Feedback opportunities for impacts of project-related shipping.	Summary of public consultation annually.	Active In Compliance	Summary of public consultation provided in <i>2019 Annual Report</i> .
43. Contract only certified vessels to carry cargo and ensure shippers are aware of the requirements of the Shipping Management Plan, the Risk Management and Emergency Response Plan, and the Oil Pollution Emergency Plan.	Evidence reported annually.	Active In Compliance	Confirmed in <i>2019 Annual Report</i> only certified vessels hired, and review shipping and emergency plans annually.
Economic Development and Business Opportunities			
44. Participate in the Kivalliq Socio-Economic Monitoring Committee.	Annually	Active In Compliance	Summary of activities provided in <i>2019 Annual Report</i> . Additional reporting provided in 2019 Socio-economic Monitoring Program Report.
45. Establish a socio-economic working group and oversee a Kivalliq Projects Agnico Eagle Socio-Economic Monitoring Program.	Terms of Reference (TOR), within one (1) year of Project Certificate issuance; Annual Socio-Economic Monitoring Reports.	Active In Compliance	Updated TOR for Kivalliq Socio-Economic Working Group submitted to the NIRB March, 2019. Kivalliq Projects Socio -Economic Monitoring Program Report provided to the NIRB in <i>2019 Annual Report</i> (Appendix 69)

<u>Term & Condition</u>	<u>Reporting Requirements</u>	<u>Compliance Achievement</u>	<u>NIRB Comment</u>
46. Develop a project-specific Whale Tail Pit Socio-Economic Monitoring Program	Details of the Whale Tail Pit Socio-Economic Monitoring Program within one (1) year of issuance of the Project Certificate and reports annually to the NIRB and shared with the wider KSEMC.	Active In Compliance	Kivalliq Projects Socio -Economic Monitoring Program Report provided to the NIRB in <i>2019 Annual Report</i> (Appendix 69)
47. Risk of temporary mine closure.	Initial analysis provided within six (6) months. Updates to analyses provided within three (3) months of their completion.	No Longer Active Completed	Analysis of the Risk of Temporary Mine Closure, September 2018.
Employment, Education and Training			
48. Staff schedule forecasts that include title, quantity and transferable skills.	Six (6) months prior to each phase of the Project (construction, operations, closure).	Active In Compliance	Staff Schedule submitted May 2018.
49. Career development including hiring procedures and policies and long-term labour market plans in collaboration with GN.	Annually	Active In Compliance	Summary of meeting with GN provided.
50. Labour Market Analysis (LMA) and Inuit Work Barrier Study (WBS), and integration into SEMP. Participate in Kivalliq Socio-economic Working Group and develop Kivalliq Projects Socio-economic Monitoring Program.	Report to Kivalliq SEMC in 2018, and within first years Annual Report to NIRB, including integration into SEMP. TOR within one (1) year, and annual Socio-Economic Monitoring Reports.	Active In Compliance	LMA and WBS submitted March 6, 2019 Kivalliq Projects Socio-Economic Monitoring Program submitted June 2019; Updated TOR for Kivalliq Socio-Economic Working Group submitted March 2019. Kivalliq Projects Socio -Economic Monitoring Program Report provided to the NIRB in <i>2019 Annual Report</i> (Appendix 69)
51. Conceptual Socio-economic Closure Plan	Plan updated as needed prior to closure with information provided annually.	Active In Compliance	Conceptual Socio-economic Closure Plan, March 2019.
52. Listing of formal certificates and licences.	The initial listing to be provided within six (6) months of the Project Certificate. Updates to be included annually to the NIRB and shared with KSEMC	Active In Compliance	Initial Listing provided December 2018 and within 2018 Annual Report. No updates provided for 2019.
Population Demographics			
53. Employee community of residence and relocation.	As part of SEMR annually.	Active In Compliance	Summaries provided in the 2019 Socio-economic Monitoring Report.

Term & Condition	Reporting Requirements	Compliance Achievement	NIRB Comment
Traditional Activity and Knowledge			
54. Integration and incorporation of Inuit Qaujimaningit into Monitoring Plans.	Annually	Active In Compliance	Summaries of engagement provided. 2019 Kivalliq Socio-economic Monitoring Report provided to the NIRB.
Heritage Resources			
55. Archaeological surveys	Annually	Active In Compliance	Summary of archaeological survey provided in <i>2019 Annual Report</i> ; No archaeological sites were identified. Proponent indicated a full Archaeological Site Status Report was submitted to the GN-Department of Culture and Heritage.
56. Report any archaeological site discovered	Annually	Active In Compliance	Summary of archaeological survey provided in <i>2019 Annual Report</i> ; No archaeological sites were identified. Proponent indicated a full Archaeological Site Status Report was submitted to the GN-Department of Culture and Heritage.
Individual and Community Wellness			
57. Update Occupational Health and Safety Plan to include sexual health and well-being information, and education program.	Summaries of education programs and updates to plan submitted annually	Active In Compliance	Updated Occupational Health and Safety Plan, December 2018 intended to address term and condition. Summary of education program provided in <i>2019 Annual Report</i> .
58. Subcommittee for health services in collaboration with GN.	Annually	Active Deficient - in progress	Proponent notes clinics collaborate with health centres, but information exchange a challenge and looking to establish a forum in 2020.
59. Cross-cultural training.	Annually	Active In Compliance	2019 Kivalliq Socio-economic Monitoring Report. Summary provided in <i>2019 Annual Report</i> .
Community Infrastructure and Public Services			
60. Coordination of ongoing care with community health centres.	Annually	Active Deficient - in progress	Proponent notes clinics collaborate with health centres, but information exchange a challenge.
61. Home ownership and access to affordable housing.	Annually	Active In Compliance	Proponent reports engagement with Nunavut Housing Corporation (NHC) in 2019. NHC currently working on curriculum and tools for financial literacy to be shared with Agnico Eagle.
62. Monitor project-related pressures to community infrastructure.	Annually	Active In Compliance	2019 Kivalliq Socio-economic Monitoring Report. Summary provided in the <i>2019 Annual Report</i> .
Human Health and Ecological Risk Assessment			
63. Methylmercury concentrations in the aquatic environment and potential risk of consumption of fish containing methylmercury.	Summary of results annually.	Active Deficient - in progress	CREMP Addendum – Appendix A: Mercury Monitoring Plan for Whale Tail south Area, Version 2, March 2019. 2019 Mercury Monitoring Report provided and summary of results in the <i>2019 Annual Report</i> . 2019 results indicate significant increase across all sampling stations. Current plan does not assess risk to human health from fish consumption but would be implemented if monitoring results exceed model predictions.
Cumulative Effects			
64. Status of ongoing exploration and/or future phase developments.	Annually	Active In Compliance	Status update for 2019 provided in the Annual Report.