



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

March 31, 2021

To: Meliadine Distribution List

Sent via email

Re: Draft Agenda for the upcoming Public Hearing for the NIRB's Assessment of Agnico Eagle Mines Limited's "Saline Effluent Discharge to Marine Environment" Project Proposal

Dear Parties:

On March 11, 2021 the Nunavut Impact Review Board (NIRB or Board) issued its Pre-Hearing Conference Decision Report recommending an in-person **Public Hearing** in respect of Agnico Eagle Mines Limited's (Agnico Eagle) "Saline Effluent Discharge to Marine Environment" Project Proposal (the Proposal), a proposed amendment to the approved Meliadine Gold Mine Project (NIRB File No. 11MN034). Parties are reminded that the Public Hearing will be held **May 17-20, 2021** in the community of **Rankin Inlet** with options to connect via an audio-video feed, as part of the Board's process for the reconsideration¹ of the terms and conditions of Project Certificate No. 006, Amendment 1. The Public Hearing will provide a public forum for discussion of those technical issues that have been identified and which remain outstanding, as well as issues for which there is public concern and other matters considered relevant to the NIRB's assessment of the Proposal.

At this time, the NIRB would like to provide parties with an opportunity to comment on the attached *Draft* Public Hearing Agenda ([Appendix A](#)) which sets out the proposed ordering of specific topics and appearance of Intervenor, as well as the time currently allotted to agenda items. Comments on the *Draft* Agenda can be submitted directly to the NIRB via email at info@nirb.ca by **April 16, 2021**. The NIRB's copy of its public meeting protocols have also been included to ensure that participants are aware of the procedures in Rankin Inlet.

¹ In accordance with Section 12.8.2 of the *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada (Nunavut Agreement)* and with s. 112 of the *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 14 (NuPPAA).

Technical Sessions: May 17, 2021

The objective of the Technical Session is to facilitate presentations and questioning by technical experts regarding the conclusions presented within the Proponent's Impact Statement Addendum (IS Addendum) or documents provided leading up to and following the Pre-Hearing Conference (Additional Documents), with a focus on the unresolved issues and concerns raised within parties' final written submissions to the NIRB.

The Proponent will present an overview of the Proposal, followed by a presentation of the conclusions regarding potential impacts and required mitigation identified in its IS Addendum and Additional Documents, as well as its responses to parties' final written submissions. Intervenor and the Board Members will be permitted to ask questions at suitable points throughout this portion of the agenda.

Intervenor will be required to give one (1) presentation to cover both the technical and community issues related to this Proposal as well as an overview of its jurisdiction in relation to the proposed project components and activities. The Board reminds Intervenor that presentations are to be limited to the assessment of effects relevant to Agnico Eagle's "Saline Effluent Discharge to Marine Environment" Project Proposal. The NIRB requests that presentations be organized by the thematic volumes in the IS Addendum to assist with the tracking of issues and use accessible language to ensure the issues are understandable for community representatives and the general public.

Intervenor will each be granted up to 20 minutes to present evidence to the Board; should any Intervenor believe additional time is required to present its evidence during the Hearing, a request should be made by **April 16, 2021** when providing comments on the *Draft Public Hearing Agenda*. The granting of additional presentation time will be at the discretion of the Board. If it is identified by Intervenor that grouping presentations would more effectively present parties' topics, the Board is willing to consider adjusting speaking order to accommodate; requests to make this adjustment should be submitted with comments on the *Draft Agenda*.

With respect to the format for presentations, the NIRB requests that Intervenor structure their presentation as follows:

1. Provide a brief overview of the organization's mandate and jurisdiction in association with the proposed project components/activities, highlighting applicable legislation, policies or guidelines as necessary.
2. Present an overview of the technical concerns or issues identified in a manner that parallels the final written submission submitted to the NIRB.
 - a. This should include a brief synopsis of significant issues resolved through the preceding technical review, and identify those issues remaining unresolved (with accompanying recommendations) as raised within the final written submissions.
3. Discuss the organization's recommendations to the Board regarding whether proposed mitigation is adequate to address potential adverse effects.

Following each presentation, the Proponent, other Intervenor, and the NIRB will be given an opportunity to question and cross-examine the presenters and the evidence provided. **Parties are advised to ensure that personnel with the necessary expertise to answer questions arising during the Technical Sessions are readily available throughout the Public Hearing.**

Recognizing that some parties may be participating remotely outside of the Territory, if possible, parties are encouraged to consider pre-recording their technical submissions in both English and Inuktitut so that if there is an interruption to the audio or video links during the technical sessions, parties may be able to review the presentations offline.

Community Roundtable Sessions: May 18-20, 2021

Public input is essential to the Board's assessment processes. The NIRB will be requesting the nomination of five (5) community representatives from each of the five (5) potentially affected communities identified by the Minister of Northern Affairs (i.e. Arviat, Baker Lake, Chesterfield Inlet, Rankin Inlet and Whale Cove) to participate in the Community Roundtable sessions in Rankin Inlet. Respecting that public health restrictions may change options for community representatives to attend in-person, the NIRB will make accommodations available, to the best of its abilities, for participation via the audio-video links. The two (2) Intervenor, the Northlands Denesuline First Nation and Sayisi Dene First Nation will also be invited to provide their comments during the Technical Sessions as well as during the Community Roundtable sessions.

Members of the public from Rankin Inlet will be invited to attend the in-person sessions and provided the opportunity to raise comments and questions on the proposal. Given the public health restrictions in Rankin Inlet at the time of the meeting, space will be secured for public to attend but also may be limited and if so, will be filled on a first come, first served basis.

At the beginning of the Community Roundtable, the Proponent will be expected to deliver a summary presentation providing an overview highlighting the conclusions regarding potential impacts and proposed mitigations as well as incorporation of community knowledge identified in documents related to this proposal. Following Agnico Eagle's summary presentation, community members (including members of the general public in attendance) will have an opportunity to question the Proponent as well as Intervenor regarding the Proposal and associated regulations. **The Board requires that each Intervenor ensure sufficient technical expertise is available for the Community Roundtable portion of the Public Hearing which will include evening sessions.**

PRESENTATIONS

Parties are advised that all presentation materials must be provided in English and Inuktitut, and French if possible, and electronic versions should be provided to the NIRB in both PDF and PowerPoint formats. The technology used at the Public Hearing only allows for one (1) presentation to be displayed at a time so parties should indicate either which language should be projected or organize their presentation with this in mind. Parties are also reminded that presentations will serve as formal exhibits to the Hearing proceedings and that the filing of additional materials at the Hearing will be undertaken on an as-needed basis. The NIRB asks that all parties provide sufficient print copies of all presentation materials, including translated versions

(approximately 30 copies of each presentation in each language, if languages are separated). The NIRB recognizes however, that Intervenor may modify presentations as the Hearing progresses and asks Intervenor to make their own arrangements for producing hardcopies of their presentations as may be necessary while in Rankin Inlet. Agnico Eagle will also be required to supply the same quantity of print copies of its presentations in sufficient numbers for the community representatives and public. Agnico Eagle and Intervenor must notify the NIRB as soon as possible if any of the materials they wish to present are larger than 10MB as methods to transfer the data will have to be considered. **Where parties have a similar mandate and submissions to the Board, coordination and possible combination of the presentations can be accommodated; parties are required to provide comments to this draft agenda if planning on combining their presentations.**

The Board reminds parties presenting to take note of the following points whether you are presenting in the room or through Zoom:

- Do not speak too quickly;
- Use simple, straightforward language in complete sentences and avoid, as much as possible, technical jargon; and
- If a word will require a definition to explain what it means, use the definition directly instead of the word.
- In addition to filing pre-recorded presentations and written presentation materials, if possible, parties should also file their speaker's notes (in both languages if available). These materials greatly assist the Board's interpreters and will also be very helpful references for participants who may not be present in-person.

Further, should Parties wish to pre-record their presentations for the Public Hearing, which is not a NIRB requirement, the NIRB requests the following be considered while producing the audio tracks:

1. All presentations will be broadcasted and controlled from Rankin Inlet, as such, all parties are required ensure that a digital copy of their presentation is available in Rankin Inlet and to ensure that the presenter speaks as if they are in the room and verbally indicate when slides need to be changed to allow their representative in the room to do so.
2. If a recording has been submitted to the Board in advance of the meeting, a hard copy of the presentation (English and Inuktitut) will still be required in quantities stated above.
3. File size is limited as items posted on the NIRB's Public Registry must be accessible to all interested participants, even those who live in locations where there are bandwidth restrictions. This means that for larger files, it is advisable to separate the material into multiple smaller files and/or provide the NIRB with a publicly accessible link to an online location where the materials can be downloaded or streamed directly.

4. Only one (1) presentation, with a single audio track can be played during the proceedings at a given time. Consequently, parties are encouraged to provide separate pre-recorded submissions in each language, and to identify for the Board prior to each presentation which version of their pre-recorded submission will be played. The NIRB will provide simultaneous English/Inuktitut and Inuktitut/English interpretation throughout the proceedings, so regardless of whether the audio track is presented in English or Inuktitut, all participants will be able to access interpretation as required.
5. In case of technical difficulties, all parties should be prepared to present live through Zoom or teleconference formats at their respective location.
6. Several formats of files with pre-recorded audio tracks (e.g., AVI, MP4) are acceptable to the NIRB, but the format chosen must be playable on commonly accessible media platforms without the need for specialized software. If a party has questions regarding the acceptable file formats, please follow up with the Board's technical staff.

PUBLIC HEARING LOGISTICS

The NIRB has made the following logistical arrangements for the Technical and Community Roundtable Sessions of the Public Hearing:

Interpretation: Simultaneous English and Inuktitut interpretation will be provided to the extent practicable. Parties requiring French interpretation for the Public Hearing are to notify the NIRB by **April 16, 2021**.

Seating (in-person meeting only): Seating will be assigned based on the numbers of parties and requirement to maintain space in Rankin Inlet for public participation. Once the maximum meeting number is reached then no more admissions can occur for that session (a session is the morning, afternoon, and evening time slots for the meetings, separated by breaks longer than a health break). Masks will be required in all in-person sessions and adherence to the NIRB protocols, and participants will be required to follow the facility health and safety requirements as well as those for the Territory at the time of the meetings.

Facilitator: The Technical Sessions and Community Roundtable will be facilitated by the NIRB Chairperson.

Materials: The NIRB will provide access to the digital copy of all materials contained within the Board's public registry for the "Saline Effluent Discharge to Marine Environment" Project Proposal, including the IS Addendum and any additional submissions received up to date and throughout the assessment process.

Meeting times: Meetings start at 9:00 a.m. and run until 5:00 p.m. daily (CT), with an hour break for lunch and two 15-minute health breaks throughout the day. Under the new NIRB protocols, refreshments will not be served so participants must bring their own which should avoid standard allergens (e.g., all nuts and fish).

Format: In-person with audio-video feed through a Zoom link and a teleconference option (details provided to registered participants).

All parties are advised to ensure their travel and other logistical arrangements are sufficiently flexible to accommodate modifications to the proposed timing and order of presenters throughout the Public Hearing. Given the limited gathering sizes allowed under current Public Health Orders, seating must be designated and the NIRB will make efforts to ensure fair and appropriate allocation of seats per registered party. The NIRB expects that registered parties maintain full and on-time attendance for their allocated number of seats, for the duration of the meetings, with respect for the limited capacity of the venue and the importance of maintaining adequate seating for members of the public in Rankin Inlet to attend the Community Roundtable.

Due to the preceding requirements, it is **critical that parties confirm the list of in-person attendees representing their organizations as soon as possible to ensure they will have the appropriate number of seats in Rankin Inlet.** Additionally, parties are requested to provide a list of representatives that will attend through the Zoom link or teleconference options, including name, position, respective area of expertise or authority, email, and phone number. **Parties should also indicate which individual will be the key speaker for the Public Hearing.** For parties participating as Intervenors as well as nominating community representatives, **participants cannot be both community representatives and Intervenor key speakers.** This information is required on or before **April 23, 2021.**

MEDIA ACCESS

The NIRB is supportive of any planned efforts by public media outlets to cover or record the proceedings and will ensure that media representatives are granted sufficient access to the meetings to report accurately, while maintaining adherence to Public Health Orders. The NIRB has established rules for recording of Public Hearing proceedings, and due to the COVID-19 protocols will require all media outlets that wish to observe, to provide the NIRB with advanced notice to assist in minimizing all disruptions and plan for options should they wish to make either an audio or video recording. As such, the NIRB would like to request that all media outlets that wish to record proceedings during the Public Hearing (film, photograph, audio) request media access from the Board on or before **April 16, 2021.**

IMPORTANT DATES

In closing, as we move closer to the Public Hearing for the NIRB's assessment of the "Saline Effluent Discharge to Marine Environment" Project Proposal, the Board thanks all parties for their support and encourages continued active engagement in the assessment process. Upcoming deadlines for submissions to the NIRB are provided below and the NIRB respectfully requests that all parties adhere to the dates and provide the Board with presentation materials as requested as these materials are necessary for the NIRB to prepare briefing packages for Community Roundtable participants. Deadline for parties to submit final written submissions and the Proponent will have until April 28, 2021 to respond.

Summary of Important Dates

April 12, 2021	Deadline for parties to submit final written submissions.
April 16, 2021	Deadline for parties to provide comments and suggested revisions to the Draft Public Hearing Agenda to NIRB (Appendix A). Deadline for parties to request additional language interpretation and request specialized audio/visual equipment and/or specific logistical arrangements that may be required during the proceedings. Deadline for requests by public media outlets to cover the proceedings.
April 23, 2021	Deadline for parties to confirm attendance of representatives at the Hearing with names of presenters highlighted and key speakers identified.
April 26, 2021	NIRB to release <i>Final</i> Public Hearing Agenda.
April 28, 2021	Proponent provide response to final written submissions.
April 30, 2021	Deadline for parties to provide Hearing presentations (English, Inuktitut) electronically to NIRB.

Parties are asked to direct all forthcoming submissions to the NIRB at info@nirb.ca. Should you require clarification on the NIRB's assessment of the "Saline Effluent Discharge to Marine Environment" Project Proposal please contact Emily Koide, Technical Advisor, at ekoide@nirb.ca or 867-983-4612.

Sincerely,



Karen D. Costello
Executive Director
Nunavut Impact Review Board

cc: Jamie Quesnel, Agnico Eagle Mines Limited
Michel Groleau, Agnico Eagle Mines Limited

Attachments (1): Appendix A – *Draft* Public Hearing Agenda for Agnico Eagle's "Saline Effluent Discharge to Marine Environment" Project Proposal

Enclosures (1): NIRB COVID-19 Protocols (*November 4, 2020*)

**APPENDIX A:
DRAFT PUBLIC HEARING AGENDA**

NIRB File No.:	11MN034 – Saline Effluent Discharge to Marine Environment Proposal
Proponent:	Agnico Eagle Mines Limited
Formats:	In-person in Rankin Inlet at Singiituaq Complex Recreation Hall, with online audio-video feed (details to be provided to registered participants)
Dates:	May 17-20, 2021
Times:	All times given are approximate and the order of discussion topics are subject to change at the NIRB's discretion. Additional evening sessions may be scheduled if deemed necessary to complete the agenda. Technical Sessions: 9:00 am – 5:00 pm Community Roundtable Sessions: 9:00 am – 5:00 pm Evening Sessions: 6:30 pm – 9:00 pm
Note (1):	Witnesses appearing on behalf of the Proponent and registered Intervenors will be sworn in/affirmed and exhibits will be marked in advance of testimony being given. Panels of witnesses may be used for the presentation of evidence.
Note (2):	All testimony will be recorded and transcribed by the Board and may also be recorded by the media.

SUNDAY, MAY 16, 2021 – ZOOM SESSION – 3:00-4:00 P.M.

Participants using Zoom to present will be required to participate in a training session to test their audio/video feeds and troubleshoot any issues in advance of the Public Hearing.

SUNDAY, MAY 16, 2021 – TRAINING SESSION – 6:30-9:00 P.M.

Participants will be required to participate in a training session to demonstrate how proceedings will be conducted, starting with the whole group then completing with an update session for community members on their requirements for the meetings.

DAY 1 – MONDAY, MAY 17, 2021 – TECHNICAL SESSIONS (INCLUDING EVENING SESSION)

General Opening

1. Opening prayer
2. Opening statements from Public Health Nurse
3. Welcoming Remarks by the Mayor of Rankin Inlet (or Delegate)
4. Opening Remarks by the Chairperson (30 minutes)
 - i. Introductions, overview of procedural history, structure of proceedings, etc.
 - ii. Identification of motions or objections
 - iii. Review of Agenda

- iv. Housekeeping Items

Technical Session

5. Presentations by the Proponent. Time for questioning by Board Members and Intervenors will be provided immediately following presentations.
 - i. Introduction, Project Overview, Response to final written submissions, and Public Participation and Engagement (30 minutes)
 - ii. Terrestrial Wildlife, Human Health, Cumulative and Transboundary Effects (25 minutes)
 - iii. Terrestrial and Freshwater Environment (10 minutes)
 - iv. Marine Environment (10 minutes)
 - v. Accidents and Malfunctions, Mitigation and management plans (10 minutes)
 - vi. Socio-economic Environment (10 minutes)
6. Presentations from registered Intervenors – Unless otherwise indicated, each Intervenor has been allotted up to 20 minutes for their presentations. Following each Intervenors presentation there will be time for questions by Board Members, other Intervenors and the Proponent.
 - i. Nunavut Tunngavik Incorporated
 - ii. Kivalliq Inuit Association
 - iii. Government of Nunavut
 - iv. Crown-Indigenous Relations and Northern Affairs Canada
 - v. Environment and Climate Change Canada
 - vi. Fisheries and Oceans Canada
 - vii. Health Canada
 - viii. Natural Resources Canada
 - ix. Transport Canada

Close of Day 1

DAY 2 – TUESDAY, MAY 18, 2021 – TECHNICAL SESSIONS COMPLETED; COMMUNITY ROUNDTABLE SESSIONS STARTED

General Opening: Opening Remarks by the Chairperson

Technical Session (Continued)

6. Presentations from registered Intervenors
 - x. Kivalliq Wildlife Board
 - xi. Kangiqliniq Hunters and Trappers Organization
 - xii. Baker Lake Hunters and Trappers Organization

- xiii. Arviat Hunters and Trappers Organization
- xiv. Issatik Hunters and Trappers Organization
- xv. Aqigiq Hunters and Trappers Organization
- xvi. Sayisi Dene First Nation
- xvii. Northlands Denesuline First Nation

Community Roundtable Session

1. Presentation by the Proponent – **Introduction and Overview of Project** (45 minutes)
2. Questioning of the Proponent and Parties by community representatives and members of the public, organized by project components/activities.
3. Presentations by members of the public who have advised the Chairperson that they wish to present.

Close of Day 2

DAY 3 – WEDNESDAY, MAY 19, 2021 – COMMUNITY ROUNDTABLE (INCLUDING EVENING SESSION)

Community Roundtable Session (Continued)

Opening Remarks by the Chairperson

1. Questioning of the Proponent and Parties by community representatives and members of the public, organized by project components/activities.
2. Presentations by members of the public who have advised the Chairperson that they wish to present.

Close of Day 3

DAY 4 – THURSDAY, MAY 20, 2021 – COMMUNITY ROUNDTABLE AND CLOSING REMARKS

Community Roundtable Session (Continued)

Opening Remarks by the Chairperson

1. Questioning of the Proponent and Parties by community representatives and members of the public, organized by project components/activities.
2. Presentations by members of the public who have advised the Chairperson that they wish to present.

Closing Remarks – Community Members

Closing Remarks – Proponent and Intervenor

Chairperson Closing Remarks

Close of Day 4