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Subject: [EXTERNAL] Transport Canada comments on 2020 Annual Report for Meliadine Mine Gold Project
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To the Nunavut Impact Review Board,

As per the Nunavut Impact Review Board's request of April 8, 2021, Transport Canada has reviewed Agnico Eagle Mine Limited's (AEM) Meliadine Gold Mine Project 2020 Annual Monitoring Report. Please note that Transport Canada's review was limited to those areas of the monitoring report that are relevant to the Department's mandate and jurisdiction/areas of expertise.

Transport Canada's comments on the Meliadine Gold Mine Project 2020 Annual Monitoring Report cover four topic areas:

1. Marine safety and security
2. Navigation protection
3. Meliadine mine flights
4. Transportation of Dangerous Goods (TDG)

In summary, Transport Canada did not carry out any on-site physical inspections or enforcement activities associated with the Project in 2020. Based on the information available to date, except for one issue, the Project was in compliance with legislation administered by the Department and with the authorizations issued to it by Transport Canada's Navigation Protection Program. As is discussed in more detail below, non-compliances were noted on the shipping documents used to ship hazardous wastes via marine transportation.

As detailed below, Transport Canada has two recommendations regarding the Project's 2020 Annual Report on the topic of marine safety and security:

- Inclusion of an up-to-date OPEP/OPPP in future annual reports.
- Inclusion of reference to the Arctic Shipping Safety and Pollution Prevention Regulations in the Project's Shipping Management Plan.

1. Marine Safety and Security

I. General Comments:

- The facility is in compliance with marine transportation security regulations. No physical security inspection of the site was conducted in 2020.
- The oil handling facility at Rankin Inlet is in compliance with regulatory requirements as per part 8 of the *Canada Shipping Act, 2001* (CSA 2001). No physical inspection was carried out in 2020.

II. Oil Pollution Emergency Plan (OPEP) / Oil Pollution Prevention Plan (OPPP):

Under section 12 of the Environmental Response Regulations passed pursuant to CSA 2001, there is a requirement to complete annual reviews and if necessary update the Project's Oil Pollution Emergency Plan (OPEP) and Oil Pollution Prevention Plan (OPPP). If plans are updated, they must be submitted to Transport Canada no later than one year after the update. As required under the CSA 2001, the facility will need to notify Transport Canada of proposed changes to the OHF's operations relating to the loading or unloading of oil to or from vessels (180 days in advance of the change). The facility is also required to submit a revised OPEP/OPPP 90 days before a change in operation. (**Excerpts from the CSA 2001 and Environmental Response Regulations follow this email.)

III. Shipping Management Plan (Version 7, March 2018):

Canada developed new regulations, the Arctic Shipping Safety and Pollution Prevention Regulations (ASSPPR) under the CSA 2001 and the *Arctic Waters Pollution Prevention Act*. The ASSPPR incorporate the International Code for Ships Operating in Polar Waters (the Polar Code), with the addition of specific Canadian modifications designed to provide clarity on discharge requirements for the prevention of pollution by oil, sewage, and garbage from vessels, as well as the control of pollution by noxious liquid substances in bulk. The ASSPPR came into force on December 19th, 2017.

IV. Post Oil Transfer reports (2020 Annual Report Appendix 35):

The Post Oil Transfer Reports are a Transport Canada internal tool used to supplement the Department's oversight of Oil Handling Facility (OHF) operations. These reports are to be submitted by AEM to Transport Canada as and when required. As such, for the purposes of Transport Canada, they do not need to be included in future annual reports.

V. Recommendations; re: Marine safety and security:

- Inclusion of an up-to-date OPEP/OPPP in future annual reports – AEM is required to submit the OPEP/OPPP to Transport Canada as detailed above. Inclusion of the updated and Transport Canada reviewed OPEP/OPPP in annual reports is an indicator of the compliance status of the Proponent. Transport Canada recommends these be included in future annual reports for the Project and is aware that OPEP/OPPP's are part of annual reports for other NIRB projects.
- Inclusion of reference to the Arctic Shipping Safety and Pollution Prevention Regulations in the Project's Shipping Management Plan - Transport Canada recommends that the Project's Shipping Management Plan reference and discuss the ASSPPR, particularly with regard to the prevention of the discharge of waste and adherence to the Polar Code.

2. Navigation Protection

Transport Canada Navigation Protection Program has issued two authorizations for two works associated with the Project:

- 2010-600573 - Bridge Meliadine River
- 2019-600003 - Outfall Melvin Bay

No compliance issues with these authorizations were noted in 2020. No site visits of these works were conducted during this time.

3. Meliadine Mine flights

The amended Meliadine Gold Mine Project Certificate No. 006 Term and Condition #70 deals with flight altitudes to and from the Meliadine Mine aerodrome. Transport Canada Prairie and Northern Region received no complaints related to this aerodrome in 2020.

4. Transportation of Dangerous Goods

I. General Comments:

A Transportation of Dangerous Goods (TDG) inspection was not conducted for the Project in 2020.

II. Non-compliance issue

Agnico Eagle hired a third party contractor to ship hazardous wastes via marine transportation. Upon review of the waste manifests provided with the 2020 Annual Reports for the Meliadine Gold project and the Meadowbank/Whale Tail projects, non-compliances were noted on the shipping documents used to ship hazardous wastes via marine transportation. A Transport Canada Transportation of Dangerous Goods report will be issued to the third party contractor for the non-compliances noted on the shipping documents. Upon receipt of the TDG report, the third party contractor has 30 days to provide a compliance response to Transport Canada TDG.

Please contact me if you have any questions about Transport Canada's review.

Regards,

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