

NUNAVUT IMPACT REVIEW BOARD

AGNICO EAGLE LIMITED MINE
LIMITED SALINE EFFLUENT DISCHARGE TO MARINE ENVIRONMENT
PROJECT PROPOSAL
NIRB FILE NUMBER 11MN034

HEARING

VOLUME 2

Rankin Inlet, Nunavut

June 15, 2021

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1 Proceedings taken at Singiitug Complex Recreation Hall,
2 Rankin Inlet, Nunavut.

3

4 NUNAVUT IMPACT REVIEW BOARD

5 K. Kaluraq Chair of Hearing

6 P. Kadlun Panel Member

7 A. Maghagak Panel Member

8

9 NUNAVUT IMPACT REVIEW BOARD STAFF (IQALUIT)

10 T. Meadows Legal Counsel

11 K. Costello Executive Director

12 T. Arko Director, Technical Services.

13 K. Gillard Manager, Project Monitoring

14 E. Koide Technical Advisor 1

15 E. Adjun Outreach Coordinator

16 L. Atatahak Administration Support

17

18 PROPONENT

19

20 AGNICO EAGLE MINES LIMITED REGISTERED SPEAKERS

21 C. Kowbel Legal Counsel

22 J. Quesnel Director, Permitting and

23 Regulatory Affairs

24 M. Groleau Superintendent - Permitting

25 and Regulatory Affairs

26 C. Prather Permitting - Water Quality

1	S. Leclair	Lead - Community/Consultation
2	R. Allard	General Supervisor Environment
3	L. Syvret	Senior Advisor
4	P. Kusugak	Director - Nunavut Affairs
5	J. Range	Golder Project Manager
6	C. De La Mare	Golder Terrestrial
7	D. Kritterdlik	Wildlife and IQ Coordinator
8	K. Tutanuak	Community Liaison in Rankin
9		Inlet
10	M. Bradley	Superintendent -
11		Community/Consultation/
12		Communication
13	G.A. Côté	General Supervisor -
14		Community/Consultation
15	C. Charest	Communications General
16		Supervisor
17	A. Veillette	Senior Coordinator Community
18		Relations
19	K. Mayrand	Director Shared Services
20		Nunavut
21	P. Lapointe	Technical Advisor
22	M. Long	Construction Superintendent
23	C. Chok	Kirk & Company - Communication
24	A. Amendola	Golder - Risk Assessment
25	A. Hospital	Tetra Tech - Manager Air
26		Coastal and Lake Engineering

1	P. Lavoie	Director, Nunavut Service Group
2		
3	INTERVENORS	
4		
5	NUNAVUT TUNNGAVIK INCORPORATED (REGISTERED SPEAKERS)	
6	A. Yuan	Legal Counsel
7	N. Gonzalez	Legal Counsel
8	B. Dean	Assistant Director W&E (Rankin)
9	R. Mercer	Resource Management Coordinator
10	J. Eetoolook	Vice President
11	K. Kabloona	Chief Executive Officer
12	D. Kunuk	Chief Operating Officer
13	P. Irgaut	Director, W&E (Iqaluit)
14	D. Lee	Biologist W&E (Montreal)
15	P. Lavallée	Consultant
16		
17	KIVALLIQ INUIT ASSOCIATION (REGISTERED SPEAKERS)	
18	J. King	Legal Counsel
19	L. Manzo	Environmental and Engineering
20	D. Kuksuk	Vice President, Portfolio Lands
21	H. Niakrok Sr.	Chief Operating Officer
22	B. Osmond	Lands Administrator
23	M. Serra	GIS Coordinator
24	A. Sexton	Geotechnical
25	K. Poole	Terrestrial Environment (Caribou)
26	R. Nesbitt	Aquatic Environment

1 GOVERNMENT OF NUNAVUT (REGISTERED SPEAKERS)

2 E. Stockley Legal Counsel

3 G. Karlik Assistant Deputy Minister

4 Department EDT

5 S. Atkinson Caribou and Wildlife Consultant

6 D. Wilson Environment Human Health

7 Consultant

8 H. Gretka Environment Human Health

9 Consultant

10 C. Ott Environment Human Health

11 Consultant

12 A. Simonfalvy Avatilirinirq Coordinator

13 M. LeBlanc-Havard Environmental Protection Director

14 N. O'Grady Manager, Mines & Minerals

15 A. Robinson Manager, Land Use & Environmental

16 Assessment

17 B. Pirie Project Manager, Research &

18 Monitoring

19 K. Sameer Project Manager, Impact Assessment,

20 Department of Environment

21

22 CROWN-INDIGENOUS RELATIONS AND NORTHERN AFFAIRS CANADA

23 (REGISTERED SPEAKERS)

24 S. Dewar Director, Resource Management

25 S. Gruda-Dolbec Legal Counsel, Department of

26 Justice

1	F. Ngwa	Manager, Impact Assessment
2	A. Roy	Senior Environmental
3		Assessment Specialist
4	D. Abernethy	Regional Socioeconomic Analyst
5	A. Vigna	Environmental Policy Analyst
6	K. Pawley	Manager, Environmental Assessment
7	J. Walsh	Senior Environmental
8		Assessment Analyst
9	G. Wiatzka	Technical Expert - Arcadis Canada
10	T. Brown	Technical Expert - Arcadis Canada
11		
12	ENVIRONMENT AND CLIMATE CHANGE CANADA (REGISTERED	
13	SPEAKERS)	
14	V. Shore	Senior Environmental Assessment
15		Officer
16	A. Wilson	Water Quality Expert
17		
18	DEPARTMENT OF FISHERIES AND OCEANS (REGISTERED	
19	SPEAKERS)	
20	E. Ratajczyk	Biologist, Fish and Fish
21		Habitat Protection Program
22	J. Audet-Lecouffe	Biologist
23		
24	HEALTH CANADA (REGISTERED SPEAKERS)	
25	J. Kaushansky	Environmental Assessment
26		Specialist

1	P. Partridge	Regional Manager, Environmental
2		Health Program
3	W. Wilson	Environmental Assessment
4		Coordinator
5	C. Levicki	Environmental Assessment
6		Technical Expert
7	E. Kalcsics	Environmental Engagement
8		Specialist
9	T.T. Nguyen	Indigenous Engagement
10		Specialist
11		
12	TRANSPORT CANADA (REGISTERED SPEAKERS)	
13	S. Kidd	Regional Environmental Advisor
14	A. Downing	Regional Senior Environmental
15		Supervisor
16	K. Xian Au Yong	Officer, Indigenous Relations
17	A. Champagne Gudmundson	Regional Manager, Environmental
18		Programs, Prairie and Northern
19		Region
20	D. Hawkes	Regional Manager, Navigation
21		Protection Program
22	K. Klarenbach	Regional Manager, Indigenous
23		Relations Unit
24		
25	NATURAL RESOURCES CANADA (REGISTERED SPEAKERS)	
26	P. Unger	Senior Environmental

1		Assessment Officer
2	M. Genest	Environmental Assessment
3		Officer
4		
5	KIVALLIQ WILDLIFE BOARD (REGISTERED SPEAKERS)	
6	C. Tartak	Research Coordinator
7	E. Greene	Research Consultant
8		
9	ARVIAT HUNTERS AND TRAPPERS ORGANIZATION AND HAMLET OF	
10	ARVIAT (REGISTERED SPEAKERS)	
11	T. Ubluriak	Board Member
12	A. Illungiyok	Arviat HTO
13	P. Alareak	Elder Representative
14	L. Amarudjuak	KivIA Woman
15	S. Nipisar	KivIA Youth
16		
17	ISSATIK HUNTERS AND TRAPPERS ORGANIZATION AND HAMLET OF	
18	WHALE COVE (REGISTERED SPEAKERS)	
19	R. Kolit	HTO
20	G. Maktar	Chair, Issatik HTO
21	A. Noolook	Issatik HTO
22	P. Kabloona	KivIA Elder
23	L.A. Saumik	KivIA Youth
24		
25		
26		

1 AQIGIQ HUNTERS AND TRAPPERS ORGANIZATION AND HAMLET OF
2 CHESTERFIELD INLET (REGISTERED SPEAKERS)

3 H. Aggark Chairperson, Aqigiq HTO

4 J. Aggark Hamlet of Chesterfield Inlet

5 L. Mimialik KivIA Elder

6 J. Amarok KivIA Youth

7

8 BAKER LAKE HUNTERS AND TRAPPERS ORGANIZATION AND HAMLET
9 OF BAKER LAKE (REGISTERED SPEAKERS)

10 H. Putumiraqtuq Vice Chairperson, Baker Lake
11 HTO

12 R. Aksawnee Hamlet of Baker Lake

13 J. Joedee KivIA Elder

14 V. Joedee KivIA Woman

15 J. Mannik KivIA Youth

16

17 KANGIQLINIQ HUNTERS AND TRAPPERS ORGANIZATION AND
18 HAMLET OF RANKIN INLET (REGISTERED SPEAKERS)

19 A. Aokaut Kangiqliniq HTO

20 T. Comer Kangiqliniq HTO

21 L. Brown KivIA Elder

22 G. Anawak KivIA Woman

23 A. Irwin KivIA Youth

24

25

26

1 SAYISI DENE AND NORTHLANDS DENESULINE FIRST NATION
2 (REGISTERED SPEAKERS)

3 G. Bussidor Sayisi Dene First Nation
4 Representative

5 B. Denechezhe Northlands Denesuline First
6 Nation Representative

7 K. Olson Legal Counsel

8 L. Wakelyn Wildlife Biologist

9 S. Kearney Wildlife Biologist

10

11 INTERPRETERS/TRANSLATORS

12 M.R. Angoshadluk Language Translator

13 B. Dean Language Translator

14 D. Adams Language Translator

15

16 COURT REPORTERS

17 A. Vidal, CSR(A) Official Court Reporter

18 S. Burns, CSR(A), RPR, Official Court Reporter

19 CRR

20

21

22

23

24

25

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1 Opening Remarks

2 THE CHAIR: Welcome back, everyone.

3 My name is Kaviq. I'm the Chairperson for NIRB.
4 On behalf of the Board, I would like to welcome you
5 back to the NIRB's public hearing associated with the
6 assessment of Agnico Eagle Mines Limited saline
7 effluent discharge to marine environment project
8 proposal, which is a modification of the existing
9 Meliadine Gold Mine project.

10 For those of you attending in Rankin Inlet,
11 welcome back to Rankin Inlet. And for those of you
12 participating over the audio-video feeds, thank you.

13 Before we start, just a reminder, please turn off
14 your cell phones or put them to silent before we begin.

15 Just before we begin, I would like to ask Levinia
16 Brown to do the opening prayer.

17 Opening Prayer

18 THE CHAIR: Thank you very much, Levinia,
19 for doing the opening prayer.

20 As you will recall from yesterday, my name is
21 Kaviq Kaluraq. I'm the Chairperson of the Nunavut
22 Impact Review Board and the Board's decision-making
23 Panel for this file.

24 On behalf of my fellow Panel members, Phillip
25 Omingmakyok Kadlun and Allen Maghagak and the Board
26 staff, welcome to Day 2 of the public hearing regarding

1 Agnico Eagle Mines Limited saline effluent discharge to
2 the marine environment proposal, a proposed change to
3 the approved Meliadine Gold Mine project, NIRB File
4 Number 11MN034, and thank you, again, to the community
5 of Rankin Inlet for hosting us.

6 As I said yesterday, the Nunavut Impact Review
7 Board is holding this public hearing to hear evidence,
8 ask questions, and listen to comments and concerns of
9 registered intervenors, community representatives, and
10 members of the public in order to assess the potential
11 ecosystemic and socioeconomic impacts or effects of the
12 changes proposed by Agnico Eagle.

13 Before we return to where we left off yesterday
14 with the remaining presentations and questions of the
15 registered intervenors, I have a few brief remarks to
16 help ensure we can all participate fully in these
17 proceedings. In the interest of time, I'm not going to
18 reintroduce the Panel, Board staff, and the contractors
19 who are here supporting the Board. If you need the
20 assistance of the Board staff, please look for someone
21 wearing a NIRB name tag or lanyard, and they will help
22 you out.

23 To ensure that we can all be heard and understood,
24 simultaneous interpretation of the proceedings is being
25 provided throughout the meetings from interpreters here
26 in Rankin Inlet.

1 In the Zoom feed, you can choose the language feed
2 you want to hear, but when you go to speak, you may
3 have to turn off the interpretation audio to avoid
4 problems with feedback.

5 For those of you on the teleconference lines,
6 there is a number to access the English line and a
7 separate number to access the Inuktitut line. If you
8 require the language-specific numbers or have -- or are
9 having trouble with the Zoom feed, please send an email
10 to Emily Koide at ekoide@nirb.ca, and she will help you
11 out.

12 For the people here in Rankin Inlet, receivers are
13 available from the sign-in, and the receivers are set
14 to the following channels: Channel 0, floor;
15 Channel 1, English; Channel 2, Inuktitut.

16 If you're having trouble hearing the proceedings,
17 please let one of the NIRB staff know, and they'll
18 assist you.

19 For all speakers, please wait for me to say your
20 name before you start speaking, as I'm listening to
21 ensure that the interpreters have finished their work
22 before you begin. If you're participating by Zoom,
23 when I say your name, it is helpful if you press the
24 "raise your hand" button to move up to the top of the
25 list.

26 When the technicians switch over to you, if you

1 are on Zoom, there may be a delay while our audiovisual
2 technicians switch to activate your microphone and
3 video feed.

4 If you're on Zoom, you may then have to authorize
5 the use of your video feed and you may have to unmute
6 your microphone, and if you are on the phone, you may
7 have to take yourself off mute by pressing "Star 6"
8 before you speak.

9 For the benefit of our interpreters and court
10 reporters, when you speak, please make sure there is a
11 microphone in front of you. Speak directly into the
12 microphone at a reasonable pace, and state your name
13 and your community or organization before you speak.

14 Do not use abbreviations or acronyms, and be aware
15 that our interpreters may need time to fully explain
16 the technical terms you are using.

17 Please be respectful of our speakers and do not
18 interrupt while they're speaking. The Board
19 understands that the participants may not always agree
20 with each other, but the Board appreciates everyone's
21 commitment to making this public hearing a productive
22 meeting where different viewpoints can be shared and
23 respected.

24 I would like to notify all participants these
25 proceedings are open to the media and may be attended
26 by media representatives. If members of the media are

1 attending in person, we ask that you wear a press badge
2 or similar identification throughout these proceedings
3 so that it is clear to parties which media outlet you
4 are representing.

5 Media participating online should provide notice
6 to Karen Costello, the Board's executive director, and
7 inquiries for information from media representatives
8 should also be sent to her. The Board welcomes the
9 media providing information about these proceedings to
10 those who cannot attend; however, I remind everyone
11 that the Board staff and the Panel cannot take
12 questions or provide interviews to the media or make
13 public comments regarding these meetings while we are
14 underway.

15 Agnico Eagle is also assisting us by broadcasting
16 the proceedings live on the radio in the community.
17 Community members can tune in on FM Channel 89.5 to
18 hear the live feed on the floor microphone from the
19 proceedings. Just a quick reminder to everyone
20 participating in this hearing. No matter how you are
21 participating, no one is permitted to record or
22 rebroadcast the images, video, or audio of these
23 proceedings in any form without the express written
24 consent of the Nunavut Impact Review Board.

25 As we outlined yesterday, our proceedings here in
26 Rankin Inlet look a little different due to the public

1 health measures we are taking to prevent the spread of
2 COVID-19, and the NIRB has modified options for access
3 to the proceedings for those who are unable to join us
4 in Rankin Inlet.

5 The Board also requested and has received an
6 exemption order from the Government of Nunavut's chief
7 public health officer to allow us to have up to 75
8 people join us in the hall during these meetings.

9 I will now turn the microphone over to the Board's
10 executive director, Karen Costello, to provide a short
11 summary of the COVID-19 protocols the Board has put in
12 place to help keep us all safe and healthy and to
13 comply with public health orders. Karen.

14 MS. COSTELLO: Thank you, Madam Chair. Karen
15 Costello on behalf of the Nunavut Impact Review Board
16 staff.

17 The NIRB has been able to secure an exemption to
18 the current public health orders because of its strong
19 COVID-19 protocols. As you have observed upon entry
20 into the room, we track your attendance, we ask you to
21 use hand sanitizer, and if you do not have a face mask,
22 we have them available.

23 It is not only a requirement of this meeting, but
24 also a territory-wide public health requirement that
25 face masks must be worn in public places. So thank you
26 in advance for wearing yours except for those odd

1 occasions when you're taking a drink.

2 You will notice that the chairs and tables are in
3 a -- are spaced apart, and it is important that the
4 chairs and tables remain in the position that they are
5 posted. We all miss those times when we could hug each
6 other and sit close and chat, but this is not the time
7 for that, so we very much appreciate your cooperation
8 in ensuring we all stay safe and healthy.

9 As we heard from Candice yesterday, it's very
10 important to practice good handwashing, so if you're --
11 when you're going to the bathroom, you're going to eat,
12 please continue to -- to do that as it's through hand
13 contact that germs can spread.

14 Thank you very much for working with us to follow
15 these processes, and we hope that everyone is able to
16 stay healthy.

17 Thank you, Madam Chair.

18 THE CHAIR: Thank you, Karen.

19 Today we'll continue with the technical session of
20 the public hearing to complete the remaining
21 presentations and questioning of registered
22 intervenors. Once that has concluded, we will take a
23 short break to set up the community roundtable so that
24 the designated community representatives from the
25 potentially affected communities will join the Board
26 around the roundtable.

1 After a short recap presentation by Agnico Eagle,
2 designated community representatives will be able to
3 ask questions of Agnico Eagle or the registered
4 intervenors and will be able to share their comments
5 and knowledge with the Panel. Members of the public
6 here in Rankin Inlet will also be able to ask questions
7 and share their comments, concerns, and knowledge
8 during the community roundtable session.

9 In terms of the schedule for the public hearing as
10 set out in the agenda, there will be no evening session
11 tonight, but an evening session is planned for
12 tomorrow. The times given in the agenda are Central
13 Time or Rankin Inlet time. Each day we start at 9 AM
14 and break for dinner at 5 PM. Although breaks
15 throughout the day are flexible, we'll schedule a short
16 break about halfway through the morning and afternoon
17 sessions. We will break for lunch around noon and
18 reconvene at 1:15.

19 Due to the COVID-19 precautions, coffee and tea
20 services will not be provided in the hall, but bottled
21 water will be offered upon request. To make the best
22 use of our time, please respect the timelines I've set
23 for breaks and return promptly to the meeting. We have
24 a full agenda, and the Board cannot delay while we wait
25 for late arrivals.

26 For the safety and comfort of everyone in the

1 hall, the washrooms are located outside this room in
2 the lobby area. Exits are located through the main
3 doors to the lobby and on the side of the room at the
4 front and back doors.

5 Lastly, to ensure that everyone has a reasonable
6 opportunity to participate in these meetings, the Board
7 requests that everyone respect the following Board
8 directions: It is our tradition to give respect to our
9 Elders; therefore, we invite any Elders who are in
10 attendance to let our staff indicate to me that they
11 wish to speak, but after I say your name, if you have
12 to say something, it will be best because these will be
13 recorded.

14 The Board recognizes that many of us may be
15 learning as we go -- as we ask all participants joining
16 the proceedings be patient with each other and the
17 Board, as the technology we use may result in
18 interruptions and limitations that are outside of the
19 parties' and the Board's control.

20 We will begin today by providing an opportunity
21 for those parties needing to provide deferred responses
22 to questions posed yesterday that have yet to be
23 answered. Teresa or Karen will provide a list of
24 parties with outstanding responses. Karen?

25 MS. COSTELLO: Thank you, Madam Chair. Karen
26 Costello for the Nunavut Impact Review Board.

1 There are some deferred responses to staff
2 questions expected from the proponent. The first
3 question -- or the first response is in -- to the
4 Board's question on if the proponent will be using
5 their website for placing their materials that have
6 been requested by KWB and NTI, and the proponent
7 indicated that they would need to talk with their IT
8 department on website capability and had indicated that
9 all of the material had been posted to the NIRB public
10 registry. So staff are looking for a response to the
11 first part of the question. Thank you, Madam Chair.

12 THE CHAIR: Agnico Eagle, Jamie Quesnel.
13 Deferred Responses by Agnico Eagle Mines Limited and
14 Kivalliq Inuit Association to Nunavut Impact Review
15 Board Staff Questions

16 MR. QUESNEL: Jamie Quesnel, Agnico Eagle.
17 Good morning, everybody. Thank you, Madam Chair.

18 Based on discussions with the responsible
19 individuals, we can use the website for posting
20 documents. Thank you.

21 THE CHAIR: NIRB staff.

22 MS. COSTELLO: Thank you, Madam Chair. Thank
23 you for that response.

24 The second deferred response had to do with the
25 question about how many vehicles travel the road during
26 the year excluding the times that the road is closed

1 for caribou in the area, and the clarity that was
2 provided was that staff are looking to see if there are
3 any trends since the mine started operating in vehicle
4 traffic.

5 Thank you, Madam Chair.

6 THE CHAIR: Agnico Eagle, Jamie Quesnel.

7 MR. QUESNEL: Jamie Quesnel, Agnico Eagle.

8 Thank you, Madam Chair.

9 We don't have that information right now, but we
10 do have the information for when the all-weather access
11 road was closed for caribou. So we have that
12 information, and this -- this information includes
13 partial day closures. So in 2017 it was 6; 2018, 12;
14 2019, 10; 2020, 10. Thank you.

15 THE CHAIR: NIRB staff.

16 MS. COSTELLO: Thank you, Madam Chair. Thank
17 you for that response, Agnico.

18 Just -- if I could just go back to the first
19 question. Part -- you did indicate that the website
20 could be used for posting material. There was no
21 mention of the timeline, and that was actually part of
22 the question. So could the posting of material to the
23 website occur basically as soon as it was needed to
24 start posting material?

25 THE CHAIR: Agnico Eagle, Jamie Quesnel.

26 MR. QUESNEL: Jamie Quesnel, Agnico Eagle.

1 Thank you, Madam Chair.

2 For normal-sized documents, yes. If there's
3 something that's requiring a little bit more bandwidth,
4 it may take a little bit more time, but we can start
5 posting today.

6 Thank you.

7 THE CHAIR: NIRB staff.

8 MS. COSTELLO: Thank you, Madam Chair. Thank
9 you for that response.

10 Staff have no further questions for the proponent.
11 Thank you.

12 THE CHAIR: We will now continue where we
13 left off last night with the questioning of Nunavut
14 Tunngavik Incorporated.

15 Before we proceed, Mr. Dean, are there additional
16 people that Nunavut Tunngavik wishes to have affirmed
17 to give evidence and answer questions? Hold on.

18 NIRB staff.

19 MS. COSTELLO: Apologies, Madam Chair. That
20 concluded the questions for the proponent, but there
21 was a deferred response required from the Kivalliq
22 Inuit Association.

23 The question posed to the Kivalliq Inuit
24 Association that is outstanding is: What type of
25 geotechnical or hydrogeological assessment did Kivalliq
26 Inuit Association or its experts complete to come to

1 the conclusion on Bullet 3 on Slide 15 of its
2 presentation that reads: (as read)

3 Drawing down excess saline stored in
4 Tiriganiaq 2 as efficiently as possible may
5 not be necessary to avoid damage to site
6 infrastructure.

7 Thank you, Madam Chair.

8 THE CHAIR: Kivalliq Inuit Association,
9 Luis Manzo.

10 MR. MANZO: Thank you, Madam Chairman
11 [sic]. Good morning, everyone.

12 I will ask Richard Nesbitt to respond
13 for (INDISCERNIBLE) the Board based on our review to
14 this project. Thank you.

15 Richard?

16 THE CHAIR: Richard Nesbitt.

17 MR. NESBITT: Good morning. Thank you,
18 Madam Chair, and thank you for the opportunity to
19 respond to the NIRB staff's question.

20 We have had time to confer with our discipline
21 expert overnight, and have -- to present the following
22 response.

23 KIA and their technical experts have not completed
24 and -- a geotechnical or hydrogeological assessment on
25 their own but have instead relied on the documentation
26 submitted by Agnico Eagle --

1 (INTERPRETER BELL)

2 MR. NESBITT: -- both to the Nunavut Water
3 Board as well as the Nunavut Impact Review Board.

4 THE CHAIR: Mr. Nesbitt, please slow down
5 for the interpreter. I don't know if you see the
6 "speak slower" on your screen.

7 MR. NESBITT: Apologies, Madam Chair.

8 The first document that we have relied upon is the
9 assessment of surface -- or of water storage in
10 Tiriganiaq 2 Open Pit, Meliadine Mine Canada, written
11 by Tetra Tech or Agnico Eagle dated March 28th and
12 provided for the Nunavut Water Board, which I'm sure
13 can also be submitted to the Nunavut Impact Review
14 Board.

15 That document outlines two scenarios in
16 Section 3.0 regarding permafrost impacts.

17 In Scenario 1 --

18 (INTERPRETER BELL)

19 THE CHAIR: Please pause between
20 sentence -- Mr. Nesbitt, please pause between
21 sentences.

22 MR. NESBITT: In Scenario 1, the majority of
23 the Tiriganiaq 2 pit is flooded for two years. After
24 this time, the pit is dewatered allowing the base of
25 the pit to be exposed to ambient temperatures during
26 the first part of each winter. Following from the

1 analysis, this will reduce the amount of permafrost
2 degradation in the base of the pit. KIA's submissions
3 seek to conform and allow Agnico Eagle to conform with
4 this Scenario 1.

5 In Scenario 2, additional contact water is
6 directed to Tiriganiaq Pit 2 resulting in the pit
7 nearly full in the first two years, and the base of the
8 pit remaining flooded for an additional approximately
9 six years.

10 The additional water, as the analysis concludes,
11 and longer in-pit pond duration in Scenario 2 --

12 (INTERPRETER BELL)

13 MR. NESBITT: -- will --

14 THE CHAIR: Please slow down.

15 Mr. Nesbitt, you're using a lot of technical
16 terms, and it's taking --

17 MR. NESBITT: My apologies.

18 THE CHAIR: -- longer to interpret, so
19 please slow down and pause. You may proceed.

20 MR. NESBITT: Sorry.

21 The additional water and longer in-pit pond
22 duration in Scenario 2 will result in warmer permafrost
23 and additional permafrost degradation of the pit wall
24 and base.

25 Again, KIA's submissions, as part of our
26 presentation yesterday, does not suggest that

1 additional water from CP1 is diverted to Tiriganiaq 2
2 while the waterlines are being constructed, which is to
3 say again that we are continuing to move towards
4 Agnico Eagle's described Scenario 1.

5 I'd also like to put this risk in the context of
6 Agnico Eagle's application. As outlined in the
7 addendum before the NIRB in Section 3.4.1, I quote:
8 (as read)

9 Agnico Eagle is proposing to discharge 6,000
10 to 12,000 cubic metres per day of treated
11 groundwater effluent to Melvin Bay during the
12 open-water season.

13 This range of 6,000 to 12,000 was confirmed by Agnico
14 Eagle again in their response to Crown-Indigenous
15 Relations and Northern Affairs Canada Technical Comment
16 Number 5.

17 Further, Agnico Eagle suggested in section -- in
18 the addendum that discharge rates of 20,000 cubic
19 metres per day --

20 (INTERPRETER BELL)

21 THE INTERPRETER: Can you go back to CIRNAC.

22 MR. NESBITT: Of 20,000 cubic metres per day
23 that includes diversion of surface contact water
24 including CP1 into the waterlines.

25 Now, the risk that KIA has evaluated to the
26 infrastructure based on Agnico Eagle's analysis is the

1 difference between the maximum waterline rate that they
2 have requested of 12,000 cubic metres per day as
3 compared with the KIA proposed rate of up to 10,000
4 cubic metres per day.

5 Again, as with yesterday, we have assumed a
6 delayed construction rate of three years, so three
7 years requiring storage of saline groundwater in
8 Tiriganiaq 2. Again, being relatively conservative, we
9 have calculated a volume of 600,000 cubic metres
10 requiring storage if no water is discharged from
11 Tiriganiaq 2 over the entire three-year period.

12 We have also assumed a groundwater flow of
13 580 cubic metres per day, which is the highest
14 unmitigated flow -- or inflow over the predicted life
15 of the project as outlined in Agnico Eagle's
16 groundwater management plan.

17 To fully dewater the 600,000 cubic metres using
18 12,000 cubic metres per day of capacity in the
19 waterline, it will take approximately 50 days to draw
20 down the inventory in Tiriganiaq 2.

21 Using KIA's proposed 10,000-cubic-metre-per-day
22 capacity, this adds an additional ten days of
23 dewatering time for a total of 60 days requiring --
24 required to dewater Tiriganiaq 2. Both the 50- and the
25 60-day windows are compared with an annual operating
26 window of 120 to 150 days or to five months as outlined

1 in the hydrodynamic model presented by Agnico Eagle to
2 the NIRB.

3 KIA suggests that using the full
4 20,000-cubic-metre capacity with half devoted to the
5 saline effluent and half devoted to surface contact
6 water is both within Agnico Eagle's application
7 requested volume --

8 (INTERPRETER BELL)

9 THE INTERPRETER: Speak in plain English. Can
10 you speak in plainer English?

11 THE CHAIR: Can you use more general
12 language to explain what you're saying for the
13 interpreter?

14 MR. NESBITT: I can try. Yes. Thank you.

15 So for saline -- for the salt water, this falls in
16 the 6,000 to 12,000 capacity requested by Agnico Eagle
17 in their application while also allowing surface
18 contact water to be moved to Melvin Bay. It also is in
19 line with Section 8.1.4 of the addendum, which states
20 that: (as read)

21 The current design of 6,000 to 12,000 cubic
22 metres per day is sufficient to effectively
23 manage the saline pond inventory.

24 Agnico Eagle goes on to say in that section that:

25 (as read)

26 Once the inventory [so Tiriganiaq 2] is

1 depleted, the annual daily base case flow of
2 saline groundwater can be managed with around
3 6,000 cubic metres per day of discharge
4 capacity, and the overall 20,000 cubic metre
5 capacity would be sufficient -- [and I'm
6 quoting here again] would be sufficient to
7 divert surface contact water with underground
8 water to Melvin Bay.

9 So, to summarize, the move from 12,000 cubic metres per
10 day of saline groundwater -- or of salt water down to
11 10 will increase the dewatering time of Tiriganiaq 2,
12 based on Agnico Eagle's provided reports -- increase it
13 by ten days while still allowing the walls and base of
14 Tiriganiaq 2 to be exposed to the winter conditions in
15 that coming winter season, maintaining the Scenario 1
16 described by Agnico Eagle's consultants and avoiding --
17 understandably ideally avoiding potential damage to
18 that infrastructure. Thank you.

19 THE CHAIR: NIRB staff.

20 MS. COSTELLO: Thank you, Madam Chair. Karen
21 Costello for NIRB staff.

22 Thank you to the Kivalliq Inuit Association for
23 that response. I have no further questions. Thank
24 you, but -- Madam Chair, that's all from me.

25 THE CHAIR: Agnico legal counsel.

26 MS. KOWBEL: Thank you, Madam Chair.

1 Christine Kowbel, legal counsel. I'd just like a
2 moment to confer with my client.

3 Thank you, Madam Chair. Christine Kowbel, legal
4 counsel, Agnico Eagle.

5 So Mr. Nesbitt has just given a lot of new
6 evidence in response to the question, and he was very
7 clear on one thing, that KIA did not carry out a
8 geotechnical or hydrogeological assessment.
9 Mr. Nesbitt is an aquatic biologist. He's not
10 qualified to give advice to the Board on what is
11 sufficient to manage inventory at site. He just
12 doesn't have those professional qualifications. Those
13 are -- those are -- that's advice that's given by a
14 professional engineer licenced to practice in Nunavut,
15 and I submit to you, Madam Chair, that Mr. Nesbitt does
16 not have those qualifications.

17 As Mr. Nesbitt referred, Agnico Eagle has done
18 that geotechnical and hydrogeological assessment, and
19 we do have advice from professional engineers. Those
20 memos were provided to the Nunavut Water Board, as he
21 described --

22 (INTERPRETER BELL)

23 MS. KOWBEL: Apologies to the interpreter
24 for going too fast.

25 We are prepared to file those with the NIRB since
26 Mr. Nesbitt has referred to them. We're also prepared

1 to speak to those so that the NIRB has proper advice on
2 what those memos say and what they mean, and we're
3 prepared to -- to provide that reply -- Mr. Quesnel
4 will have a few words now, but we're prepared to speak
5 to that further at the end of these technical meetings
6 in order to respond to what KIA has just said.

7 But as I say, Madam Chair, I think it is quite
8 important that Agnico reply because Mr. Nesbitt just
9 isn't qualified to give advice on how to design a mine.
10 Thank you, Madam Chair.

11 And our expert is ready to speak to that as well,
12 and Mr. Quesnel -- just before we go on, I'd like to
13 request that he say a few words as well.

14 THE CHAIR: Before you respond, NIRB legal
15 counsel.

16 Procedural Direction by Nunavut Impact Review Board
17 Legal Counsel

18 MS. MEADOWS: Good morning, Madam Chair.
19 Good morning, everyone. Teresa Meadows, legal counsel
20 for the Nunavut Impact Review Board.

21 Madam Chair, what I would suggest is that
22 Mr. Quesnel be permitted to provide a very short
23 response to a very long answer, and we will then table
24 this particular issue. The Board can then determine
25 whether or not it is necessary for Agnico Eagle to
26 provide the materials that were provided to the Nunavut

1 Water Board previously, and, at the close of the
2 technical meeting or subsequently at the close after
3 the community roundtable has been heard, the Board will
4 provide further direction to Agnico Eagle and others
5 with respect to whether or not the proposed reports
6 should be filed and spoken to by Agnico Eagle's
7 experts. Thank you, Madam Chair.

8 THE CHAIR: Agnico Eagle, Jamie Quesnel.

9 MR. QUESNEL: Jamie Quesnel, Agnico Eagle.
10 Thank you, Madam Chair, and I'll be short.

11 I just want to add a little bit of colour based on
12 how we plan things and the professionals we use that
13 are licenced in Nunavut.

14 So we use multiple professional disciplines for
15 designing our infrastructure, our water management
16 processes. We use geotechnical engineers, hydrologists
17 for design of our ponds and dikes and berms, and they
18 know all the requirements that we have to comply with,
19 and they provide us advice.

20 With this application, we use mechanical engineers
21 for design of our pumps and the sizing of the
22 waterline. We use aquatic biologists, toxicologists,
23 people who look at the marine environment for assessing
24 the water quality in the receiving environment, the
25 downstream component of the application. These are
26 just some examples.

1 However, for the document we're talking about, the
2 adaptive management plan, all these disciplines, not
3 just one discipline, provides us input, and this input
4 goes into the adaptive management plan. So it's not
5 just one piece of the pie. It's all the pieces.

6 THE CHAIR: Mr. Quesnel, if you can please
7 slow down for the interpreter.

8 MR. QUESNEL: Sure. Do you want me to
9 restart anywhere, or ...

10 THE CHAIR: No. You can continue. Just
11 make sure you pause. You may proceed.

12 MR. QUESNEL: Okay. Thank you.

13 So, again, we use all the inputs to develop our
14 adaptive management plan, and this is very important to
15 understand.

16 So the adaptive management plan that we've
17 provided to the Nunavut Impact Review Board has input
18 from all these professional individuals that are
19 licenced in Nunavut for that discipline.

20 In addition, we have listened to the community and
21 the IQ where we've stated we will minimize the
22 discharge to Meliadine Lake. So we use the appropriate
23 people to look at the components of the site. We do
24 not bring an electrician in to look at the plumbing or
25 vice versa. We use the appropriate professionals
26 licenced in Nunavut.

1 So packaging all this, we feel the Board has
2 proper evidence within the adaptive management plan to
3 make an informed decision on this file. Thank you.

4 THE CHAIR: Moving on with the agenda --
5 continuing with the agenda.

6 Mr. Dean, are there any additional witnesses that
7 need to be sworn or affirmed before moving on to
8 questions to Nunavut Tunngavik?

9 MR. DEAN: Thank you, Madam Chair. Bert
10 Dean with NTI.

11 Yeah. I believe the Zoom feed was freezing up for
12 Carson Gillis to get affirmed. Paul Irngaut is with us
13 this morning, and I'm not sure if Philippe Lavallee is
14 connected, but he might also be a third one for being
15 affirmed. Thank you, Madam Chair.

16 THE CHAIR: Kivalliq Inuit Association,
17 Luis Manzo.

18 MR. MANZO: Thank you, Madam Chair. I
19 would like to respond to Agnico Eagle's comments of
20 their legal counsel, and I will transfer that to
21 Jennifer King, our legal counsel. Thank you.

22 THE CHAIR: Kivalliq Inuit Association
23 legal counsel, Jennifer King.

24 MS. KING: Good morning. This is
25 Jennifer King, legal counsel to the Kivalliq Inuit
26 Association.

1 We have a few comments in response to Ms. Kowbel's
2 submissions. To be clear, the Kivalliq Inuit
3 Association in Mr. Nesbitt's submissions this morning
4 in answer to the NIRB staff's question relied on the
5 analysis of Alan Sexton, who is the Kivalliq Inuit
6 Association's geologist and geoscientist who is
7 licenced in Nunavut.

8 Mr. Sexton is in the field this week. His
9 availability was scheduled based on the original
10 hearing dates.

11 The Kivalliq Inuit Association would like to
12 submit the CVs as an exhibit to this hearing given that
13 the qualifications of our reviewing experts have been
14 questioned. And, to be clear, Mr. Nesbitt's analysis
15 as described, again, was based on the analysis of
16 Mr. Sexton and based on the documentation provided by
17 Agnico Eagle. Those are my submissions unless there's
18 any questions.

19 THE CHAIR: NIRB legal counsel.
20 Procedural Direction by Nunavut Impact Review Board
21 Legal Counsel

22 MS. MEADOWS: Thank you, Madam Chair.
23 Teresa Meadows, legal counsel for the Nunavut Impact
24 Review Board.

25 So just two points: One, the Board has not yet
26 determined whether or not the Nunavut Water Board

1 submissions that were provided previously will be
2 relevant in this proceeding, and so further discussion
3 of those particular materials is not necessary at this
4 point.

5 Secondly, with respect to the CVs of the experts
6 of the Kivalliq Inuit Association, absolutely we
7 normally would provide those and file those either in
8 advance of the public hearing or during the public
9 hearing prior to their testimony, so, Ms. King, if you
10 can provide those to me by electronic form, the Board
11 will circulate those exhibits, and if there are any
12 questions arising out of those exhibits, we can deal
13 with those subsequently. So if you can provide those
14 electronically, it would be appreciated.

15 At this point, however, further discussion of
16 these exhibits and the potential reports that were
17 filed with the Nunavut Water Board, let's park those
18 issues for now, and we will return with a direction
19 from the Panel as to -- and whether or not those
20 materials will be filed and additional questions will
21 be permitted in respect of those materials.

22 Thank you, Madam Chair.

23 THE CHAIR: Continuing to affirming
24 witnesses for Nunavut Tunngavik Incorporated. NIRB
25 legal counsel.

26 MS. MEADOWS: Thank you, Madam Chair.

1 Teresa Meadows, legal counsel for the Nunavut Impact
2 Review Board.

3 So, Madam Chair, for the witnesses that Nunavut
4 Tunngavik Incorporated wishes to have affirmed, I will
5 state the affirmation and then --

6 (VIDEO FEED FREEZES)

7 THE CHAIR: You froze on our screen,
8 Teresa. If you can please repeat. Please start again.
9 You froze on the screen.

10 MS. MEADOWS: My apologies, Madam Chair. It
11 was my computer. It was not me who froze.

12 PAUL IRNGAUT, CARSON GILLIS, PHILIPPE LAVALLEE,
13 Affirmed

14 THE CHAIR: It's 10:15. We'll take a
15 15-minute break.

16 (ADJOURNMENT)

17 THE CHAIR: Welcome back, everyone.
18 Continuing with questions to Nunavut Tunngavik from our
19 registered intervenors, the proponent, and the Board.

20 The first, KIA, Luis Manzo. Go ahead.

21 MR. MANZO: Luis Manzo, Kivalliq Inuit
22 Association.

23 No questions at this time.

24 THE CHAIR: Government of Nunavut, Gabriel
25 Karlik.

26 MR. KARLIK: Thank you, Madam Chair.

1 No questions from the Government of Nunavut for
2 NTI. Thank you.

3 THE CHAIR: (INUKTITUT SPOKEN - NO
4 TRANSLATION) Spencer Dewar. On behalf of
5 the Government of Canada.

6 UNIDENTIFIED SPEAKER: (INUKTITUT SPOKEN - NO
7 TRANSLATION)

8 THE CHAIR: Right now we're going to --
9 I'm not going to you yet. Sorry.

10 Crown-Indigenous Relations and Northern Affairs
11 Canada, Spencer Dewar.

12 MR. DEWAR: Qujannamiik, Madam Chair.
13 Spencer Dewar, Crown-Indigenous Relations and Northern
14 Affairs Canada.

15 The Government of Canada has no questions for
16 Nunavut Tunngavik Incorporated. Qujannamiik.

17 THE CHAIR: Arviat HTO, Thomas Ubluriak.

18 MR. UBLURIAK: I don't have any questions
19 right at the moment.

20 THE CHAIR: Aqigiq HTO, Harry Aggark.

21 MR. AGGARK: I don't have questions at the
22 moment. Thank you.

23 THE CHAIR: Baker Lake HTO, Harold
24 Putumiraqtuq.

25 MR. PUTUMIRAQTUQ: Thank you, Madam Chair.

26 I have no questions at this moment. Thank you.

1 THE CHAIR: Rankin Inlet HTO, Andre
2 Aokaut.

3 MR. AOKAUT: Thank you, Madam Chair.

4 I have no questions right now. Thank you.

5 THE CHAIR: KWB, Clayton Tartak.

6 MR. TARTAK: (NO ENGLISH FEED)

7 THE CHAIR: Sayisi Dene and Northlands
8 Denesuline First Nations, Geoff Bussidor.

9 MR. BUSSIDOR: Thank you, Madam Chair. Good
10 morning.

11 Sayisi Dene does not have any questions for NTI at
12 this moment. Thank you.

13 THE CHAIR: Agnico Eagle, Jamie Quesnel.

14 MR. QUESNEL: Jamie Quesnel, Agnico Eagle.
15 Thank you, Madam Chair.

16 We have no questions, but we appreciate the
17 comments on the terrestrial advisory group terms of
18 reference. Thank you.

19 THE CHAIR: NIRB staff.
20 Nunavut Impact Review Board Staff Questions Nunavut
21 Tunngavik Incorporated

22 MS. COSTELLO: Thank you, Madam Chair. Karen
23 Costello for NIRB staff. We have one question for NTI.

24 In NTI's final written submission, 1.3, NTI
25 requested that in the interest of transparency, when
26 consensus is not reached on an issue, that the Nunavut

1 Impact Review Board be made aware of all views of the
2 TAG members, including those of Inuit organizations.
3 The Kivalliq Wildlife Board had also requested all
4 correspondence be made available for the public on the
5 NIRB's public registry.

6 We have already heard from the proponent that they
7 would be willing to put everything on their Nunavut
8 site that has already been developed for the Kivalliq
9 projects.

10 Would the distribution of material on the Agnico
11 Eagle website satisfy NTI's request to ensure that all
12 parties' opinions are available, or is this something
13 NTI is looking to be a reporting requirement? Thank
14 you, Madam Chair.

15 THE CHAIR: NTI, Bert Dean.

16 MR. DEAN: Thank you, Madam Chair.

17 NTI -- sorry. Bert Dean from NTI. Thank you for
18 the question, Karen.

19 Yeah. I think what -- what we've heard from the
20 different communities or organizations is to be part of
21 that terrestrial advisory group, and it's a bit of a
22 complicated matter 'cause I -- I understand that it's
23 an advisory group to Agnico Eagle to -- you know, to
24 get advice on different wildlife matters, et cetera.

25 And so if there -- if there isn't consensus or if
26 there is a differing opinion, how does that sort of get

1 resolved or -- or, you know, come to the attention
2 of -- of NIRB or whoever, that there is some strength
3 to what the communities have to say, so that's what
4 we've been hearing from communities, is -- is that
5 part.

6 At the same time, we realize, you know, there's
7 going to be some difficult issues, and there's not
8 always going to be a hundred percent agreement. So the
9 hope or the desire, I guess, is that this advisory
10 group would be able to resolve things in there, but if
11 they're not able to or if there is differing opinions,
12 that somehow that's -- that information is made
13 available. So if that's part of a reporting
14 requirement, I think, is the strength that communities
15 are -- are looking at.

16 I mean -- and, again, you know, there's still a
17 lot of work to be done in terms of the terms of
18 referencing and how do we get there, and I'm not quite
19 sure if that fully answers your question, but it is --
20 it is that the communities want to be heard, and I
21 think having that as a reporting requirement helps to
22 achieve that. Thank you, Madam Chair.

23 THE CHAIR: NIRB staff.

24 MS. COSTELLO: Thank you, Madam Chair. Karen
25 Costello for NIRB staff. Thank you, Bert, for that
26 response.

1 That's all, Madam Chair.

2 THE CHAIR: Are there any questions from
3 the Board?

4 Nunavut Impact Review Board Questions Nunavut Tunngavik
5 Incorporated

6 THE CHAIR: I have one question. In your
7 presentation in the concerns identified by NTI in the
8 review process, you mentioned the capacity of
9 communities, specifically Inuit organizations, to
10 meaningfully participate.

11 Are there any -- yesterday I posed a question
12 about monetary support to community-based
13 organizations. Recognizing that several of the
14 community-based organizations are Inuit organizations,
15 are there any plans from Nunavut Tunngavik to support
16 these types of Inuit organizations to build their
17 capacity either technically or professionally through
18 things such as training opportunities so that -- to
19 improve -- to support their -- to improve their
20 participation in these processes? Bert Dean.

21 MR. DEAN: Thank you, Madam Chair. Bert
22 Dean with NTI.

23 Yes. There's -- there's a number of, I think,
24 opportunities, especially if we could work together in
25 a coordinated fashion. The HTOs or hunters and
26 trappers organizations receive core funding through the

1 implementation contract under the Nunavut Agreement,
2 and that money flows through the Nunavut Wildlife
3 Management Board down to the HTOs.

4 That ten-year implementation contract is coming up
5 for negotiation in the next year or so. COVID has sort
6 of probably thrown a -- you know, a bit of a hiccup
7 into that schedule, but the contract is coming up in
8 2023, and I know NIRB and all the IPGs do their funding
9 proposals through that implementation contract with
10 CIRNAC for the core funding for HTOs.

11 And it's a ten-year contract, and it provides
12 funding for the HTOs and the regional wildlife
13 organizations to -- to carry out their responsibilities
14 under the Nunavut Agreement, and it involves, you know,
15 creating a work plan and a budget and, you know,
16 basically a Treasury Board submission from CIRNAC.

17 So there's some opportunities there in terms of
18 the core to -- to increase funding and have staff, that
19 sort of thing. AEM, I know, has contracts in place
20 with Baker Lake and Rankin Inlet in terms of road
21 monitoring and doing different work, and so there's --
22 that helps to build some of that capacity at the HTO
23 level.

24 NTI provides some funding for the wildlife
25 secretariat, which is an administrative body to help
26 them administer the HTO funding so that -- I mean,

1 basically so payroll and Revenue Canada -- that things
2 run smoothly, that there's not hiccups
3 administratively. So the secretariat centralizes
4 that -- that administrative function to help hopefully
5 be cost effective and help with the funding.

6 And then with the participant funding program in
7 terms of providing some funding for HTOs to participate
8 in hearings, that, again, helps to get them organized,
9 but that's been new, and I think there's a bit of a
10 learning curve in terms of having representatives at
11 these things.

12 And so it's only by sort of that coordinated, you
13 know, money from different pots of -- or areas that you
14 can try and help these organizations get that capacity
15 and also build on the training and retain staff, and
16 office space has been a big concern. And, of course,
17 internet and technical capacity, and as tough as COVID
18 has been, I think it's kind of forced us to -- to get
19 the technology with the Zoom meetings and improved
20 internet and stuff so that that -- that sort of thing
21 will help.

22 So there's opportunities there, but it's going to
23 mean all the different organizations sort of working
24 together in a coordinated fashion and -- and having
25 that working relationship and that certain level of
26 trust, and I guess I emphasize that because for the

1 TAG, the terrestrial advisory group, to really work,
2 it's going to require that the HTOs or the communities
3 are meeting about these issues before they actually go
4 to the TAG meeting. It's not fair for the
5 representatives to just fly in, and then they have to
6 respond -- like, they're just seeing the information
7 for the first time a lot of these times; right?

8 So how can we help coordinate and work with the
9 communities so that their HTO or their communities are
10 actually talking about some of the issues and concerns,
11 and can we get more staff at the regional level and
12 even at the community level to produce maps, to
13 document information so that when it goes to the
14 terrestrial advisory group, the researchers or staff
15 that are there from the company or government are
16 actually learning stuff from the communities?

17 Because if it's just going to be a meeting where
18 we're going back and forth at each other, everybody's
19 talking, but nobody's listening. It's -- it's not
20 going to be productive for anybody, really. And I -- I
21 guess that's why we're -- you know, we -- we see the
22 value in -- in the TAG, the terrestrial advisory group,
23 because we see other comanagement boards where you're
24 bringing the community representatives to the table so
25 that they have a voice and they can speak and show
26 their information.

1 But they do need that technical support to help --
2 help get there, be prepared and organized, and that
3 takes money. And it's not -- not fair to say it's
4 gotta be one or the other. I think it's all of us have
5 to make that investment in the communities, and it's to
6 all of our benefit. Thank you, Madam Chair.

7 THE CHAIR: Okay. Thank you for your
8 presentation.

9 Now we'll continue with the technical
10 presentations and questioning of registered
11 intervenors. I will ask our legal counsel to swear or
12 affirm the next group of presenters and mark the
13 exhibits so that we can begin with the presentations.
14 We're continuing with Item 6, Number 3, with the
15 Government of Nunavut.

16 NIRB legal counsel.
17 Procedural Direction by Nunavut Impact Review Board
18 Legal Counsel

19 MS. MEADOWS: Thank you, Madam Chair.
20 Teresa Meadows, legal counsel for the Nunavut Impact
21 Review Board.

22 Madam Chair, for the Government of Nunavut, I have
23 two procedural matters, the first being the exhibits.
24 It is my understanding that there is one presentation
25 to file as the next exhibit in this public hearing
26 consisting of their presentation materials in English

1 and Inuktitut. The second matter, Madam Chair, is to
2 affirm the witnesses that will be presenting the
3 presentation.

4 EXHIBIT 9 - Hard Copy PowerPoint
5 Presentation, NIRB Final Hearing, Agnico
6 Eagle Mines Limited's "Saline Effluent
7 Discharge to Marine Environment" Project
8 Proposal, Government of Nunavut

9 MS. MEADOWS: I will give the affirmation,
10 and then when we return to the witnesses, if they can
11 state and spell their name for the record, state their
12 name again, and state that they affirm, they may
13 proceed.

14 GABRIEL KARLIK, HEATHER GRETKA, STEPHEN ATKINSON,
15 Affirmed

16 MS. MEADOWS: Thank you, Madam Chair. Those
17 are my procedural matters.

18 THE CHAIR: Government of Nunavut, Gabriel
19 Karlik. You may proceed.

20 Presentation by Government of Nunavut (Agnico Eagle
21 Mines Limited's "Saline Effluent Discharge to Marine
22 Environment" Project Proposal)

23 MR. KARLIK: Thank you, Madam Chair.

24 My name is Gabriel Karlik, and it is a privilege
25 to be able to present on behalf of the Government of
26 Nunavut.

1 The basis for our review: As a public government,
2 we must balance many competing interests. In our
3 reviews, we balance our priorities with potential
4 impacts to the physical, socioeconomic, and cultural
5 environments. Ultimately, the GN's review is to scope
6 our mandate policies, legislation, as well as what we
7 have heard from Nunavummiut during these public forums.

8 The Government of Nunavut takes a unified
9 government approach to informing and supporting the --
10 the NIRB. Technically -- technical and policy experts
11 from all departments and agencies make recommendations
12 to senior management for decisions when preparing
13 submissions to the Board.

14 The GN participates in NIRB's assessment process
15 as the intervenor. The Government of Nunavut informs
16 and supports the Nunavut Impact Review Board and its
17 assessments monitoring functions, much like every other
18 intervening party. The Government of Nunavut is not an
19 approval authority for the saline effluent discharge to
20 marine environment project proposal.

21 Our mandate is set by our officials elected by
22 Nunavummiut, development -- develop our infrastructure
23 and economy in ways that support a positive future for
24 Nunavummiut.

25 Turaaqtavut, the GN 's mandate: Provide education
26 and training to prepare Nunavummiut for positive

1 contributions to society, for meaningful employment,
2 and to support responsible resource development where
3 environmental impacts are mitigated and results in
4 socioeconomic benefits.

5 The Government of Nunavut staff attend NIRB and
6 AEM -- Agnico engagement sessions. The Government of
7 Nunavut listens carefully to the positions and opinions
8 of the intervenors and community participants. The
9 Government of Nunavut will continue to work with other
10 intervenors, particularly potential impacted hamlets,
11 HTOs, and other community organizations. The
12 Government of Nunavut supports the creation of the
13 Meliadine Mine terrestrial advisory group or TAG.

14 AEM has an obligation to monitor projects impact
15 on caribou as outlined in the terrestrial ecosystem
16 management plan, and the Government of Nunavut has a
17 separate obligation to monitor Kivalliq caribou herd
18 regionally. The Government of Nunavut always pursues a
19 collaborative approach with proponents to monitor
20 caribou via contribution agreements and data and sample
21 sharing agreements. The goal is to address information
22 gaps between regional monitoring and project-specific
23 monitoring.

24 Impacts on caribou are precautionary designs to
25 mitigate and minimize impacts on caribou migration and
26 behaviour, improve ongoing project monitoring and data

1 collection.

2 For human health, it includes safe -- the safety
3 of country food, monitoring for bioaccumulative
4 substances, and measures to reduce health risks.

5 With the GN participation in the saline effluent
6 discharge and marine environmental assessments, all of
7 the GN's issues and concerns have been resolved, and we
8 trust that NIRB will consider and weigh all
9 perspectives when other intervenors have outlined
10 outstanding issues.

11 The final submission from GN response to caribou
12 memorandum: Low confidence in the memorandum's
13 conclusion, concerns about the methods used to
14 characterize project effects in caribou.

15 A final written submission summary of the
16 memorandum using the 1.5-kilometre zone of influence
17 around the all-weather road must be extended much more
18 than the 1.5 kilometres that properly observes minimal
19 impacts on caribou. Deflection of caribou at greater
20 distances would be excluded and potential
21 underestimates of deflection and impacts. There is a
22 15-kilometre discrepancy between current scientific
23 research and Golder's caribou memorandum.

24 AEM has committed to revising the Golder
25 memorandum and incorporated the following: Incorporate
26 a local study area that reflects recent research

1 regarding the zone of influence, incorporate deflection
2 definition that accounts for caribou paralleling the
3 road, and within six months after project approval, AEM
4 should revise the memo.

5 In conclusion, NIRB is to make recommendations,
6 and final decision resides with the Government of
7 Canada. Ongoing adaptive management is a critical
8 element of the -- of any assessment process. Project
9 impacts relating to the GN's jurisdiction can be
10 managed through mitigation and monitoring plans,
11 community engagement, and incorporation of Inuit
12 Qaujimagatugangit is needed over the life of the
13 project.

14 Government of Nunavut commits to continued
15 collaboration with Agnico Eagle, the Nunavut Impact
16 Review Board, and all participants. Thank you.

17 THE CHAIR: Moving on to questions to the
18 Government of Nunavut from the registered intervenors,
19 proponent, and the Board.

20 First of all, Bert.

21 MR. DEAN: Thank you, Madam Chair. Bert
22 Dean with Nunavut Tunngavik.

23 We don't have any questions at this time. Thank
24 you.

25 THE CHAIR: (INUKTITUT SPOKEN - NO
26 TRANSLATION) Luis Manzo.

1 MR. MANZO: Thank you, Madam Chair. Luis
2 Manzo, Kivalliq Inuit Association.

3 No questions at this time.

4 THE CHAIR: (INUKTITUT SPOKEN - NO
5 TRANSLATION) Spencer Dewar on behalf of the Government
6 of Canada.

7 MR. DEWAR: Qujannamiik, Madam Chair.
8 Spencer Dewar, Crown-Indigenous Relations and Northern
9 Affairs Canada.

10 The Government of Canada has no questions for the
11 Government of Nunavut. Qujannamiik.

12 THE CHAIR: (INUKTITUT SPOKEN - NO
13 TRANSLATION) Thomas Ubluriak, Arviat HTO.

14 MR. UBLURIAK: Thank you, Madam Chair.

15 I have no questions, but regarding what -- his
16 presentation was very good and to keep -- keep the
17 public informed and to promote Inuit Qaujimajatuqangit.
18 I was really pleased to hear the presentation, but we
19 have no questions right now. Thank you, Madam Chair.

20 THE CHAIR: Government of Nunavut, Gabriel
21 Karlik.

22 MR. KARLIK: Gabriel Karlik, Government of
23 Nunavut.

24 We understand the request and respect that. Thank
25 you.

26 THE CHAIR: (INUKTITUT SPOKEN - NO

1 TRANSLATION) Harry Aggark.

2 MR. AGGARK: Harry Aggark, Aqigiq HTO,
3 chair.

4 I have no questions at this moment. Thank you.

5 THE CHAIR: (INUKTITUT SPOKEN - NO
6 TRANSLATION) Harold Putumiraqtuq.

7 MR. PUTUMIRAQTUQ: Harold Putumiraqtuq, Baker
8 Lake HTO, vice chair.

9 We have no questions for the Government of Nunavut
10 at this moment. Thank you.

11 THE CHAIR: (INUKTITUT SPOKEN - NO
12 TRANSLATION) Andre Aokaut.

13 MR. AOKAUT: Thank you, Madam Chair. Andre
14 Aokaut, Kangiqliniq HTO.

15 No questions at the moment. Thank you.

16 THE CHAIR: (INUKTITUT SPOKEN - NO
17 TRANSLATION) Clayton Tartak.

18 Kivalliq Wildlife Board Questions Government of Nunavut

19 MR. TARTAK: Thank you, Madam Chair.
20 Clayton Tartak, Kivalliq Wildlife Board. I have a few
21 questions for the Government of Nunavut.

22 First of all, did Agnico Eagle have the necessary
23 permits to conduct the 2020 caribou camera monitoring
24 program when the cameras were installed?

25 THE CHAIR: Government of Nunavut, Gabriel
26 Karlik.

1 MR. KARLIK: Gabriel Karlik, Government of
2 Nunavut.

3 Stephen Atkinson will be responding to this
4 question. Thank you.

5 THE CHAIR: Stephen Atkinson.

6 MR. ATKINSON: Stephen Atkinson on behalf of
7 the Government of Nunavut.

8 Can you hear me?

9 THE CHAIR: Yes. You may proceed.

10 MR. ATKINSON: The answer to the question
11 regarding whether a research permit was issued for --
12 specifically for the -- I believe it was for the camera
13 project, it was -- it was -- a permit was not issued
14 for that particular activity.

15 THE CHAIR: Is that the end of your
16 response?

17 MR. ATKINSON: Apology, Madam Chair. Sorry.
18 My -- my -- my phone was playing games with me.

19 A permit for that particular activity was not
20 issued. I believe perhaps it may have been a
21 misunderstanding regarding the -- the existing permit
22 that -- for -- for conducting project monitoring that
23 was held by Agnico. I believe it was a
24 misunderstanding regarding scope of that permit, what
25 was included and was not included. Thank you, Madam
26 Chair.

1 THE CHAIR: (INUKTITUT SPOKEN - NO
2 TRANSLATION) Clayton Tartak.

3 MR. TARTAK: Thank you, Madam Chair.
4 Clayton Tartak, Kivalliq Wildlife Board.

5 Next question is: In Slide 5 you mentioned that
6 your mandate is based on your elected officials. Can
7 it be clarified where community positions fit into the
8 Government of Nunavut's assessment of proposals such as
9 this one?

10 THE CHAIR: Government of Nunavut, Gabriel
11 Karlik.

12 MR. KARLIK: Gabriel Karlik, Government of
13 Nunavut.

14 If we can defer that question for after lunch,
15 we'll be able to answer that.

16 THE CHAIR: We'll take that as a deferred
17 response.

18 (INUKTITUT SPOKEN - NO TRANSLATION) Clayton
19 Tartak.

20 MR. TARTAK: Thank you, Madam Chair.
21 Clayton Tartak, Kivalliq Wildlife Board.

22 In Slide 6, the Government of Nunavut alludes to
23 supporting responsible development where environmental
24 impacts are mitigated. Should that be interpreted to
25 say that the Government of Nunavut feels that IQ and
26 western science thresholds for caribou have been

1 sufficiently mitigated in the proposal?

2 THE CHAIR: Government of Nunavut, Gabriel
3 Karlik.

4 MR. KARLIK: Government of Nunavut, Gabriel
5 Karlik.

6 So to answer, yes, less trucking will have less
7 impact on wildlife, less disturbance. And, again, with
8 fewer traffic on the road, it means less effects on
9 caribou. Thank you.

10 THE CHAIR: (INUKTITUT SPOKEN - NO
11 TRANSLATION) Clayton Tartak.

12 MR. TARTAK: Thank you, Madam Chair.
13 Clayton Tartak, Kivalliq Wildlife Board.

14 Is this government threshold available for the
15 public?

16 THE CHAIR: Government of Nunavut, Gabriel
17 Karlik.

18 MR. KARLIK: Gabriel Karlik, Government of
19 Nunavut.

20 If the question can be more elaborated. What does
21 he mean by "government threshold"?

22 THE CHAIR: Kivalliq Wildlife Board,
23 Clayton Tartak.

24 MR. TARTAK: Thank you, Madam Chair.
25 Clayton Tartak, Kivalliq Wildlife Board.

26 I guess a part of the issue is that what we hear

1 from the department of Economic Development and
2 Transportation, we have not heard anything from the
3 Department of Environment. Specifically, we're not a
4 hundred percent sure how the Department of Environment
5 feeds into the government's analysis.

6 So is there a more transparent process available
7 so that the government's opinion or the government's
8 position is made available, and is there a specific
9 process that shows what the Department of Environment
10 says prior to these assessments?

11 THE CHAIR: Government of Nunavut, Gabriel
12 Karlik.

13 MR. KARLIK: Gabriel Karlik, Government of
14 Nunavut. Stephen Atkinson will respond soon after I
15 respond.

16 The GN forms a unified position, which is part of
17 the EART SDAG SDC structure on various levels of
18 government departments' work -- work within these
19 committees, including environment, including --

20 (INTERPRETER BELL)

21 MR. KARLIK: Including the cultural and
22 heritage and various other departments. And Stephen
23 Atkinson will respond for the rest of the question.

24 THE CHAIR: Stephen Atkinson.

25 MR. ATKINSON: Stephen Atkinson on behalf of
26 the Government of Nunavut.

1 With respect to the Department of Environment's
2 involvement in the review and the outcome of the -- the
3 Department of Environment's review, the -- the written
4 record for this review in the form of information
5 requests, technical review comments, and final written
6 submission comments that were submitted by the
7 Government of Nunavut reflect quite clearly and very
8 transparently the reviews related to caribou and the
9 proposed project. So the written record is -- is an
10 accurate reflection of that review.

11 For example, in the final written submission by
12 the Government of Nunavut, it is indicated that there
13 was low confidence in the conclusion regarding caribou
14 interactions with the all-weather access road. That
15 particular memorandum, that particular Golder's
16 analysis --

17 (INTERPRET BELL)

18 THE CHAIR: Mr. Atkinson, if you can
19 please pause between sentences for the interpreter.

20 MR. ATKINSON: Apologies, Madam Chair.

21 The Golder analysis was examining caribou movement
22 interactions with the all-weather access road, and it
23 was assessing those movements relative to a threshold
24 of 10 percent deflection of caribou. That threshold is
25 not one that was set by the Government of Nunavut. It
26 was established within the project's terrestrial

1 ecosystem management plan.

2 In conducting a review of the proposed project,
3 the Government of Nunavut used that threshold in
4 part as a basis of this review. So just to -- to
5 summarize my points, the Government of Nunavut's review
6 with respect to caribou has been documented in the
7 written record, and thresholds for -- for the project
8 in terms of caribou and the effects on caribou have
9 been taken directly from the project's terrestrial
10 ecosystem monitoring plan. Thank you, Madam Chair.

11 THE CHAIR: Kivalliq Wildlife Board,
12 Clayton Tartak.

13 MR. TARTAK: Thank you, Madam Chair.
14 Clayton Tartak, Kivalliq Wildlife Board

15 In Slide 9 of the Government of Nunavut's
16 presentation, they state that -- that government has an
17 obligation to monitor their herds regionally. Does the
18 herd monitoring program feed into the government's
19 assessment of proposals such as this one?

20 THE CHAIR: Government of Nunavut, Gabriel
21 Karlik.

22 MR. KARLIK: Thank you, Madam Chair.
23 Gabriel Karlik, Government of Nunavut.

24 The short answer is, yes, it does. Thank you.

25 THE CHAIR: Kivalliq Wildlife Board,
26 Clayton Tartak.

1 MR. TARTAK: Thank you, Madam Chair.
2 Clayton Tartak, Kivalliq Wildlife Board.

3 I thank -- thank the government for that answer.
4 Could the government be a little bit more specific?
5 Can it be stated how these programs feed into the
6 assessment? Do papers from previous assessments feed
7 into the government decision-making process?

8 THE CHAIR: Government of Nunavut, Gabriel
9 Karlik.

10 MR. KARLIK: Gabriel Karlik, Government of
11 Nunavut.

12 I will defer to Stephen Atkinson to answer that
13 question.

14 THE CHAIR: Stephen Atkinson.

15 MR. ATKINSON: Stephen Atkinson on behalf of
16 the Government of Nunavut.

17 Could you please repeat the -- the question? My
18 phone cut out for a portion of it.

19 THE CHAIR: Kivalliq Wildlife Board,
20 Clayton Tartak.

21 MR. TARTAK: Thank you, Madam Chair.
22 Clayton Tartak, Kivalliq Wildlife Board.

23 It was just a request for clarity. We need a bit
24 more -- we need a more specific answer. Can it be
25 stated how these programs feed into the assessment, and
26 do previous government reports or papers feed into the

1 government's assessment?

2 THE CHAIR: Government of Nunavut, Stephen
3 Atkinson.

4 MR. ATKINSON: Stephen Atkinson on behalf of
5 the Government of Nunavut.

6 Could you clarify which programs you're referring
7 to? Thank you.

8 THE CHAIR: Kivalliq Wildlife Board,
9 Clayton Tartak.

10 MR. TARTAK: Thank you, Madam Chair.
11 Clayton Tartak, Kivalliq Wildlife Board.

12 So some of the -- some of the monitoring programs
13 that is conducted by Mitch Campbell, the regional
14 biologist, and then papers such as Belanger 2020, how
15 do those feed into the assessment?

16 THE CHAIR: Government of Nunavut, Stephen
17 Atkinson.

18 MR. ATKINSON: Stephen Atkinson on behalf of
19 the Government of Nunavut.

20 Yes. I understand your question now. The -- the
21 programs, the Government of Nunavut's caribou
22 monitoring programs, and the reports that are produced
23 as a result of those programs, the research reports,
24 including Belanger, et al. 2020, those -- those
25 programs and reports are used directly in this review.

26 In the -- if you review Government of Nunavut's

1 final written submission, you will see that this
2 specific paper that you referenced, Belanger, et al.
3 2020, is directly referenced in that paper.

4 In developing the Government of Nunavut's review
5 of the project, all of the Government of Nunavut's
6 relevant reports and data are considered, and when
7 necessary, they are incorporated into the written
8 comments that are provided. Thank you, Madam Chair.

9 THE CHAIR: Kivalliq Wildlife Board,
10 Clayton Tartak.

11 MR. TARTAK: Thank you, Madam Chair.
12 Clayton Tartak, Kivalliq Wildlife Board.

13 In Slide 10, the government states that they
14 pursue collaborative approaches with proponents to
15 monitor caribou via contribution agreements and data
16 sharing agreements. Can the Government of Nunavut make
17 those data sharing agreements available on the public
18 record?

19 THE CHAIR: Government of Nunavut, Gabriel
20 Karlik.

21 MR. KARLIK: Government of Nunavut, Gabriel
22 Karlik.

23 The Government of Nunavut has not in the past, and
24 the Government of Nunavut will not make contracts
25 available that are entered into with private entities.
26 Thank you.

1 THE CHAIR: Kivalliq Wildlife Board,
2 Clayton Tartak.

3 MR. TARTAK: Thank you, Madam Chair.
4 Clayton Tartak, Kivalliq Wildlife Board.

5 No further questions.

6 THE CHAIR: The Sayisi Dene and Northlands
7 Denesuline First Nations, Geoff Bussidor.

8 Sayisi Dene and Northlands Denesuline First Nations
9 Questions Government of Nunavut

10 MR. BUSSIDOR: Thank you, Madam Chair. Geoff
11 Bussidor, Sayisi Dene First Nation.

12 I have one question just for clarification. It's
13 regarding the monitoring of the bioaccumulative
14 substances that was -- was referred to. I just wanted
15 to see how that was being monitored and what was being
16 referred to. Thank you.

17 THE CHAIR: Geoff Bussidor, can you please
18 repeat what you said for the interpreter. We can't
19 hear you clearly.

20 MR. BUSSIDOR: Yes. I have one -- Geoff
21 Bussidor, Sayisi Dene First Nation.

22 Can you hear me better now, or ...

23 THE CHAIR: Yes. You may proceed.

24 MR. BUSSIDOR: Yes. It's a question
25 regarding what was being referred to as monitoring of
26 bioaccumulated substances and just to understand it

1 better, what was being referred to and how it was being
2 monitored. Thank you.

3 THE CHAIR: Government of Nunavut, Gabriel
4 Karlik.

5 MR. KARLIK: Gabriel Karlik, Government of
6 Nunavut.

7 That question is really directed to Agnico Eagle
8 regarding that. Thank you.

9 THE CHAIR: Agnico Eagle, Jamie Quesnel.
10 Colleen Prather.

11 MS. PRATHER: Thank you, Madam Chair.
12 Colleen Prather with Agnico Eagle.

13 Bioaccumulative substances was a question asked by
14 the Government of Nunavut when they reviewed our
15 application. We confirmed that there are no
16 bioaccumulative substances in our discharged water, and
17 that will be confirmed through our monitoring program
18 that's required under the Metal and Diamond Mining
19 Effluent Regulations. Thank you.

20 THE CHAIR: Sayisi Dene and Northlands
21 Denesuline First Nations, Geoff Bussidor.

22 MR. BUSSIDOR: Yes. Thank you for that
23 response. No further questions from Sayisi Dene First
24 Nation. Thank you, Madam Chair.

25 THE CHAIR: Agnico Eagle, Jamie Quesnel.
26 Agnico Eagle Mines Limited Questions Government of

1 Nunavut

2 MR. QUESNEL: Jamie Quesnel, Agnico Eagle.

3 Thank you, Madam Chair.

4 We just have one clarification on Slide 17. The
5 last bullet is: (as read)

6 Within six months after project approval,

7 Agnico Eagle should file a revised memo.

8 We're okay with that, but in your final written
9 submission, as we discussed yesterday, it was within
10 six months at the end of the final hearing. So we just
11 wanted to clarify that. So we're okay with the wording
12 in the presentation but just wanted to confirm that
13 with the Government of Nunavut. Thank you.

14 THE CHAIR: Government of Nunavut, Gabriel
15 Karlik.

16 MR. KARLIK: Government of Nunavut, Gabriel
17 Karlik.

18 Correct that -- what your assumption was for
19 Agnico Eagle. Thank you.

20 THE CHAIR: Agnico Eagle, Jamie Quesnel.

21 MR. QUESNEL: Jamie Quesnel, Agnico Eagle.
22 Thank you, Madam Chair.

23 So we'll make a change to the commitment list to
24 the language that we'll provide a report six months
25 after project approval. Thank you.

26 THE CHAIR: Government of Nunavut, Gabriel

1 Karlik.

2 MR. KARLIK: Gabriel Karlik, Government of
3 Nunavut.

4 We are fine with that written verbal confirmation.
5 Thank you.

6 THE CHAIR: Agnico Eagle, Jamie Quesnel.

7 MR. QUESNEL: Jamie Quesnel, Agnico Eagle.
8 Thank you, Madam Chair.

9 No further questions. Thank you.

10 THE CHAIR: NIRB staff.

11 Nunavut Impact Review Board Staff Questions Government
12 of Nunavut

13 MS. COSTELLO: Thank you, Madam Chair. Karen
14 Costello on behalf of NIRB staff.

15 Slide 4 of the Government of Nunavut presentation
16 states that they are not an approval authority for the
17 proposal related to the activities and the proposal
18 before the Board.

19 The NIRB has been under the impression that the
20 waterline, if constructed, will cross Commissioner's
21 land. Can the Government of Nunavut confirm if they
22 would need to issue permits for this part of the
23 waterline? Thank you, Madam Chair.

24 THE CHAIR: Government of Nunavut, Gabriel
25 Karlik.

26 MR. KARLIK: Gabriel Karlik, Government of

1 Nunavut.

2 Can we defer that question after lunch while I
3 confirm with colleagues over lunch? Thank you.

4 THE CHAIR: I'll take that as a deferred
5 response.

6 NIRB staff.

7 MS. COSTELLO: Thank you, Madam Chair. Karen
8 Costello for NIRB staff.

9 We'll look forward to a response after lunch.
10 Thank you, Madam Chair. We have no further questions
11 to the Government of Nunavut.

12 THE CHAIR: Are there any questions from
13 the Board? Phillip?

14 Nunavut Impact Review Board Questions Government of
15 Nunavut

16 MR. KADLUN: Phillip Kadlun, Nunavut Impact
17 Review Board. I do have one area of clarification.

18 This is in regards to page 15. It's in regards to
19 the concerns about the message used to characterize the
20 project effects on caribou. For my clarity, would you
21 elaborate on what those concerns might be? Thank you,
22 Madam Chair.

23 THE CHAIR: Government of Nunavut, Gabriel
24 Karlik.

25 MR. KARLIK: Gabriel Karlik, Government of
26 Nunavut.

1 Stephen Atkinson will be answering that question.

2 THE CHAIR: Stephen Atkinson.

3 MR. ATKINSON: Thank you, Madam Chair.

4 Stephen Atkinson on behalf of the Government of
5 Nunavut. Thank you for your question.

6 There were two main concerns regarding the
7 methodology used in the analysis of caribou movements.
8 These concerns were also expressed by the Kivalliq
9 Inuit Association and the Sayisi Dene First Nation.
10 The first concern was that the analysis looked at the
11 movements of caribou within a zone of 1.5 kilometres
12 around the -- either side of the road. This is called
13 a zone of influence.

14 In the GN's review of this analysis,
15 (INDISCERNIBLE) expressed that this zone of influence
16 was too small. There have been a number of studies of
17 caribou movements around industrial roads, including
18 the Meadowbank all-weather access road.

19 The results of these studies have shown that zones
20 of influence, the area over which -- the range over
21 which caribou movements are affected by roads and their
22 traffic, and extend up to 17 kilometres from those
23 roads. So the Government of Nunavut's concern was that
24 the analysis conducted by the proponent used a very
25 small zone of influence that would not necessarily
26 capture all of the roads influenced on migrating

1 Qamanirjuaq caribou.

2 The second concern with the methodology was that
3 the way "deflection" of caribou was defined was not
4 necessarily appropriate. So by "deflection", we mean
5 that caribou that were approaching the road move away
6 from it or perhaps move parallel to the road. In other
7 words, they were deflected in their movements as a
8 result of the presence of the road.

9 In the analysis prepared by the proponent, it was
10 felt that deflection was -- the definition of
11 "deflection" that was used did not capture some cases
12 in which caribou were clearly running parallel to the
13 road, but because of the definition used in the
14 analysis, these individuals were not classified as
15 having been deflected.

16 So overall the Government of Nunavut recommended
17 that this analysis should be revised taking into
18 account some of these concerns and that the results of
19 the revised analysis could be compared to the
20 10 percent deflections threshold that is included
21 within the project's terrestrial ecosystem management
22 plan. Thank you, Madam Chair.

23 THE CHAIR: Questions from the Board,
24 Phillip.

25 MR. KADLUN: Phillip Kadlun, Nunavut Impact
26 Review Board.

1 That's all I have.

2 THE CHAIR: Any more questions from the
3 Board? No.

4 I have some questions for the Government of
5 Nunavut, but recognizing it's just about 12:00, we'll
6 break for lunch and reconvene at 1:15.

7 NIRB staff will -- or need to provide a technical
8 update for the Zoom participants, so if you can please
9 sign on just before 1:15 so that they can provide you
10 with the technical update.

11 (PROCEEDINGS ADJOURNED UNTIL 1:15 PM)

12 (PROCEEDINGS RECOMMENCED AT 1:11 PM)

13 Procedural Direction by Nunavut Impact Review Board
14 Staff

15 MS. COSTELLO: Good afternoon, ladies and
16 gentlemen. My name is Karen Costello, I'm part of the
17 Nunavut Impact Review Board Staff.

18 For those participating through Zoom, during the
19 hearing, we have noted that some participants are
20 having a hard time connecting on Zoom when the
21 technicians make their microphones and cameras go live.
22 We have been advised that a pop-up window may open that
23 asks whether the participant wishes to stay as an
24 attendee or be promoted to a panelist.

25 To be able to speak, please select the button that
26 says "join as a panelist". You may also be asked to

1 allow your video feed and unmute your microphone, so
2 please select these options so you can be seen and
3 heard. Please email Emily Koide via her email,
4 ekoide@nirb.ca, if you experience problems connecting
5 to the online or teleconference feeds.

6 Another additional reminder is to please turn off
7 notification sounds on your device. If you are
8 participating and you have any alarms on your computer
9 or you're getting notifications of emails coming in to
10 your mailbox, those noises are transmitted when your
11 microphone is live.

12 We really appreciate everyone working with the
13 Board to connect with us, and these little tech issues
14 are actually just that, just little tech issues, and if
15 everyone pays attention to them, things will go -- we
16 hope -- smoothly.

17 And also a really key reminder, if you are
18 participating online, when you are called upon to
19 speak, please use the "raise your hand" function that
20 promotes you to the top of the list so the technicians
21 can unmute your audio and open the camera.

22 Thank you, everyone. I really appreciate your
23 help on all this. Thank you.

24 Nunavut Impact Review Board Panel Questions Government
25 of Nunavut

26 THE CHAIR: Welcome back, everyone.

1 Before the lunch break we left off with questions to
2 the Government of Nunavut.

3 Before we go to the next presenter, I had some
4 questions for the Government of Nunavut, specifically,
5 on the Government of Nunavut's Slides 10 and 11
6 regarding caribou data and monitoring.

7 Can the Government of Nunavut elaborate on what
8 kind of data they collect and if this includes
9 community observations like qualitative data?
10 Government of Nunavut, Gabriel Karlik.

11 MR. KARLIK: Government of Nunavut, Gabriel
12 Karlik. I'll be asking Stephen Atkinson to answer that
13 question.

14 THE CHAIR: Stephen Atkinson.

15 MR. ATKINSON: Stephen Atkinson on behalf of
16 Government of Nunavut. Would you be able to repeat
17 that question, please.

18 THE CHAIR: In terms of Government of
19 Nunavut's -- can the Government of Nunavut elaborate on
20 what kind of data they collect in terms of caribou
21 monitoring, if that data includes observations from
22 communities or -- sorry -- or --

23 MR. ATKINSON: Stephen Atkinson, Government
24 of Nunavut. Can you repeat the question, please?

25 THE CHAIR: Can you hear me? Stephen
26 Atkinson, can you confirm if you can hear me? Stephen

1 Atkinson?

2 MR. ATKINSON: Stephen Atkinson on behalf of
3 the Government of Nunavut. Would you be able to repeat
4 that question, please.

5 THE CHAIR: Yeah, I'll repeat my question.

6 Can the Government of Nunavut elaborate on what
7 kind of data they collect in terms of caribou
8 monitoring. Does this data include community
9 observations or qualitative data?

10 Government of Nunavut, Stephen Atkinson.

11 MR. ATKINSON: Stephen Atkinson on behalf of
12 the Government of Nunavut.

13 So the caribou monitoring data collected by the
14 Government of Nunavut typically consists of regional
15 scale monitoring data, including surveys of herd size
16 and composition. These would be the aerial surveys and
17 collaring data to examine movements of caribou herds
18 and also to help define things such as key habitats
19 like calving grounds and post-calving areas.

20 The Government of Nunavut also sometimes collects
21 information on things such as caribou health, do
22 specific studies of certain diseases.

23 As far as qualitative data and community
24 observations, to the best of my knowledge there are
25 currently no programs specifically dedicated towards
26 collecting community observation. However, every

1 research program or monitoring program conducted by the
2 Government of Nunavut for caribou occurs with
3 consultation with local communities, in particular
4 hunters and trappers organizations, at all stages of
5 the research, including the design, the field work
6 itself -- there is direct participation -- and in the
7 review of results. And through those elements of the
8 process, community input and observations are
9 incorporated.

10 Thank you, Madam Chair.

11 THE CHAIR: I have another question
12 related to caribou, Slide 16, specifically to the
13 definition of the caribou deflection. I know this has
14 come up as something that needs to be further defined
15 and agreed upon amongst the parties. In the Inuktitut
16 interpretation it says (INUKTITUT SPOKEN). Like, they
17 just saw it.

18 But the other issue I know that has come up is the
19 difference between caribou after they're leaving the
20 road, after they go near it, and then caribou that are
21 moving parallel to the road.

22 My question is: Is there a different technical
23 term or a different way to define caribou behaviour
24 where they parallel their movement when they encounter
25 the road, other than deflection, and perhaps the
26 community organizations might offer another way to

1 define that type of movement as well.

2 Like, in Inuktitut (INUKTITUT SPOKEN) sorry. It's
3 easier if I -- I'd rather explain it in English. The
4 caribou that gets closer to the road, they start to --
5 or they just go by the road, and then they go back to
6 where they were coming from, and there are some caribou
7 that still pass the -- I'm wondering how can you define
8 this? How can you -- the question I have -- because
9 the communities too have been mentioning. I would like
10 to get elaboration on that, but first I'll ask the
11 Government of Nunavut to respond. If the other
12 community organizations can provide their input
13 throughout the proceedings as well after their
14 presentations or in the community roundtable.

15 Government of Nunavut, Gabriel Karlik.

16 MR. KARLIK: Gabriel Karlik, Government of
17 Nunavut. I'll be deferring that to Stephen Atkinson to
18 answer that portion.

19 THE CHAIR: Stephen Atkinson.

20 MR. ATKINSON: Thank you, Madam Chair.

21 With respect to your question about deflection of
22 caribou on the road, you are correct that the
23 definition of "deflection" seems to be somewhat
24 unusual. The short answer is that there is no
25 standardized definition of "deflection".

26 So for the purposes of the analysis that was

1 presented by Golder and Agnico Eagle, they defined
2 deflection as caribou that were approaching the road
3 and make a 90-degree turn in -- left or -- to the left
4 or the right or more. So that would -- that would
5 include caribou that also approached the road and
6 turned around and went back the way they had come, and
7 it would include caribou that went direct -- went
8 90 degrees to the left or the right.

9 However, it was apparent from reviewing the maps
10 that were produced in the report that there were
11 caribou who approached the road, and as they approached
12 the road, they made distinct turns. Instead of
13 crossing the road, they paralleled alongside the road
14 for a number of -- a range of distances.

15 Those animals, based on the definition of
16 deflection used in the analysis by Golder, were not
17 classified as "deflected" because they did not make a
18 turn of 90 degrees or more.

19 So this was one of the concerns of the Government
20 of Nunavut in its final written submission, that there
21 needed to be more input on the definition of
22 deflection. And in the commitment that was made by the
23 proponent to revise the analysis, the proponent
24 committed to discuss these issues such as the
25 definition of deflection with the GN as well as the
26 terrestrial advisory group.

1 So assuming the terrestrial advisory group
2 consists of -- it includes hunters and trappers
3 organizations, there is a mechanism for community input
4 on what deflection should be.

5 Thank you, Madam Chair.

6 THE CHAIR: Thank you for your
7 presentation.

8 We're going to move on in the agenda. I will ask
9 that our legal counsel swear or affirm the next group
10 of presenters and mark the exhibits so that we can
11 begin with the presentations.

12 Three Government of Canada departments, Items 4,
13 5, and 6, Crown-Indigenous Relations and Northern
14 Affairs Canada, Environment and Climate Change Canada,
15 and Fisheries and Oceans Canada. NIRB legal counsel.
16 Procedural Direction by Nunavut Impact Review Board
17 Legal Counsel

18 MS. MEADOWS: My apologies, Madam Chair. I
19 didn't have my microphone on.

20 Thank you, Madam Chair. Teresa Meadows, legal
21 counsel for the Nunavut Impact Review Board.

22 So, Madam Chair, as you referenced, in the
23 interests of time, the Board is proposing that
24 presentations from Crown-Indigenous Relations and
25 Northern Affairs Canada, Environment and Climate Change
26 Canada, and Fisheries and Oceans Canada will be

1 provided back-to-back and then a round of questioning
2 to all three of those registered intervenors will take
3 place. But we will swear them individually -- swear or
4 affirm them individually before their presentations.

5 So the first presenter will be Crown-Indigenous
6 Relations and Northern Affairs Canada, and, Madam
7 Chair, I have two presentations for Crown-Indigenous
8 Relations and Northern Affairs Canada that will be
9 stamped as the next two exhibits in these proceedings.

10 EXHIBIT 10 - Hard Copy PowerPoint
11 Presentation, Agnico Eagle's Meliadine
12 "Saline Effluent Discharge to Marine
13 Environment" Project Proposal, NIRB Final
14 Hearing, Crown-Indigenous Relations and
15 Northern Affairs Canada (English/Inuktitut)

16 EXHIBIT 11 - Hard Copy PowerPoint
17 Presentation, Agnico Eagle's Meliadine
18 "Saline Effluent Discharge to Marine
19 Environment" Project Proposal NIRB Final
20 Hearing, Crown-Indigenous Relations and
21 Northern Affairs Canada (English/French)

22 MS. MEADOWS: And now I would like to turn
23 to affirming Crown-Indigenous Relations and Northern
24 Affairs Canada's witnesses who will be making this
25 presentation. So I will give you wording of the
26 oath -- the affirmation, and then when I return to you,

1 if you can state and spell your name for the record and
2 then state your name and that you affirm, then you may
3 proceed.

4 SPENCER DEWAR, FELEXCE NGWA, TONY BROWN, Affirmed

5 THE CHAIR: Spencer Dewar.

6 Presentation by Crown-Indigenous Relations and Northern
7 Affairs Canada (Agnico Eagle's Meliadine "Saline
8 Effluent Discharge to Marine Environment" Project
9 Proposal)

10 MR. DEWAR: Qujannamiik, Madam Chair.

11 Spencer Dewar, Crown-Indigenous Relations and Northern
12 Affairs Canada. I'm going to leave my video off just
13 in case I have bandwidth issues.

14 As I previously mentioned, I'm the director of
15 resource management for the Nunavut regional office for
16 Crown-Indigenous Relations and Northern Affairs Canada.
17 I'd like to start by thanking you, Chair, and the
18 Nunavut Impact Review Board members, along with your
19 team, for giving us an opportunity to present today.

20 I'd also like to thank Agnico Eagle Mines and
21 community representatives and fellow intervenors for
22 participating with us in this review. Next slide,
23 please.

24 I'll briefly outline Crown-Indigenous Relations
25 and Northern Affairs Canada's role in the Board's
26 review of the proposed Meliadine Gold Mine project

1 reconsideration.

2 First, as the responsible minister, the Minister
3 of Northern Affairs is the responsible minister in the
4 review of the project, and along with other responsible
5 ministers --

6 (INTERPRETER BELL)

7 MR. DEWAR: -- will be making a decision
8 on the proposed --

9 THE CHAIR: Spencer Dewar.

10 MR. DEWAR: Yes?

11 THE CHAIR: Please slow down for the
12 interpreter and pause between sentences.

13 MR. DEWAR: Okay. Thank you.

14 ... will be making a decision on the proposed
15 project amendment based on recommendations from the
16 Nunavut Impact Review Board.

17 For Meliadine reconsideration proposal, the
18 responsible ministers are the Minister of Northern
19 Affairs, the Minister of Transport, the Minister of
20 Natural Resources, and the Minister of Fisheries and
21 Oceans Canada and the Canadian Coast Guard.

22 Our department also acts as an intervenor during
23 the environmental assessment process. Crown-Indigenous
24 Relations and Northern Affairs Canada provides expert
25 advice to the Board on topics that fall within our
26 mandate.

1 Our department is also a regulator. If the
2 proposed project reconsideration is authorized to
3 proceed, Crown-Indigenous Relations and Northern
4 Affairs Canada will have regulatory roles of
5 participating in the Nunavut Water Board licencing
6 process and issuing of authorizations under the
7 Territorial Lands Act.

8 Crown-Indigenous Relations and Northern Affairs
9 Canada will also conduct inspections for compliance to
10 the Nunavut Impact Review Board's project certificate,
11 the Nunavut Water Board's water licences, and land
12 authorizations issued under the Territorial Lands Act.

13 In addition, the Meliadine saline effluent
14 discharge to marine environment project proposal is
15 being assessed as a reconsideration of Meliadine's
16 project's terms and conditions. The Meliadine project
17 proposal will require a decision by responsible
18 ministers before it proceeds. Prior to this decision,
19 responsible ministers must consult with the Inuit and
20 other potentially impacted Indigenous groups. This is
21 often referred to as "the duty to consult". Next
22 slide, please.

23 Responsible ministers rely on the Board's impact
24 assessment process as the primary means of fulfilling
25 the Crown's duty to consult. The Nunavut Agreement's
26 comanagement regime gives the Nunavut Impact Review

1 Board jurisdiction to assess projects in Nunavut and
2 their potential impacts. The Government of Canada will
3 rely primarily on the Nunavut Impact Review Board's
4 reconsideration process to fulfill the duty to consult
5 for the Meliadine reconsideration proposal.

6 The Nunavut Impact Review Board's assessment
7 proceedings are designed specifically to provide
8 potentially affected Indigenous groups with a
9 meaningful opportunity to understand the project
10 proposal, express their views and concerns with respect
11 to the potential project related impacts. The
12 Government of Canada has supported the participation of
13 Inuit as well as participation of the Sayisi Dene and
14 Northlands Denesuline First Nations in the assessment
15 process by providing participant funding. The
16 Government of Canada is confident that the Meliadine
17 reconsideration process will adequately fulfill the
18 Crown's duty to consult.

19 In accordance with the standard practice with
20 respect to impact reviews in Nunavut, the Government of
21 Canada will correspond with the designated Inuit
22 organization and other potential affected Indigenous
23 groups. In this case, that is the Kivalliq Inuit
24 Association, the Sayisi Dene, and the Northlands
25 Denesuline First Nations.

26 This will provide an opportunity for the

1 Government of Canada to confirm the Nunavut Impact
2 Review Board's final report and recommendation properly
3 captures and balances and addresses the Inuit and First
4 Nations' views and concerns. This correspondence will
5 be relied upon in deciding whether to accept, reject,
6 or vary the Nunavut Impact Review Board's
7 determination.

8 As such, the Government of Canada urges all
9 intervenors to share with the Nunavut Impact Review
10 Board all the information and evidence, including Inuit
11 Qaujimagatuqangit, and traditional knowledge that they
12 consider to be important to the assessment of this
13 reconsideration proposal. Next slide, please.

14 Crown-Indigenous Relations and Northern Affairs
15 Canada has participated in every stage of the review
16 for the proposed amendment. Based on our mandate, we
17 provided expertise on the following topics listed
18 below. Next slide, please.

19 Crown-Indigenous Relations and Northern Affairs
20 Canada has participated in all the phases of the review
21 process, which are listed on this slide.

22 Today we'll be making our technical comments
23 submitted to the Board in November of 2020 and
24 discussed at the Board's technical meeting in
25 January 2021.

26 For this amendment proposal, there were a total of

1 ten concerns, all of which are now resolved. Six have
2 been resolved and require no further additional
3 follow-up, and the remaining four are now considered
4 resolved for the impact assessment based on commitments
5 made by Agnico Eagle. Next slide, please.

6 CIRNAC's Technical Review Comment Number 4 deals
7 with modifications to avoid potential noncompliance
8 issues. Crown-Indigenous Relations and Northern
9 Affairs Canada was seeking clarity regarding how Agnico
10 Eagle will verify that all treated effluent is
11 compliant for release prior to being discharged to
12 Melvin Bay. Crown-Indigenous Relations and Northern
13 Affairs Canada requested that Agnico Eagle identify
14 action to be taken to ensure all treated effluent
15 complies with the regulatory criteria prior to
16 discharge to Melvin Bay via the proposed waterlines.

17 In response, Agnico Eagle indicated that during
18 the saline effluent treatment process, water quality
19 will be monitored on a regular basis, and results will
20 be compared to the regulatory discharge limits. If
21 during operations water quality concentration exceed
22 the discharge criteria, the discharge to Melvin Bay
23 will be stopped, and the water will be recirculated to
24 the saline storage ponds. CIRNAC is satisfied with
25 this response. Next slide, please.

26 Technical Review Comment Number 5: "Water quality

1 and Load Balance Conceptual Model". Specifically, the
2 final environmental impact statement addendum did not
3 indicate what changes would occur in terms of its water
4 management strategy at the Meliadine Mine site if the
5 proposed amendment is approved. Crown-Indigenous
6 Relations and Northern Affairs Canada requested that
7 Agnico Eagle submit an updated water quality and load
8 balance model to reflect the altered site water
9 management plan in terms of treating both surface,
10 contact water, and saline groundwater by the saline
11 effluent treatment plant and discharging to Melvin Bay
12 via transporting through waterlines.

13 Agnico Eagle provided an updated water quality and
14 load balance model that satisfactorily addressed the
15 concerns. Next slide, please.

16 Technical Review Comment Number 6 deals with
17 waterline failure modes and potential effects
18 assessment.

19 Specifically, Crown-Indigenous Relations and
20 Northern Affairs Canada was concerned that Agnico Eagle
21 did not conduct a detailed failures modes and effects
22 assessment to determine the potential environmental
23 consequences of accidental spills and the effectiveness
24 of proposed mitigation measures.

25 Crown-Indigenous Relations and Northern Affairs
26 Canada requested that Agnico Eagle submit detailed

1 assessment of the waterline to address uncertainty
2 associated with environmental consequences of spills
3 and offer proposed mitigation measures.

4 Agnico Eagle has submitted a failures and modes
5 effects assessment, and CIRNAC is satisfied. Next
6 slide, please.

7 Technical Review Comment Number 7: "Potential
8 Impacts of Saline Water to Ice-Rich Soils".
9 Specifically, the final environmental impact statement
10 addendum did not consider how spills to the saline
11 water could potentially impact ice-rich soils in the
12 vicinity of the waterline. Crown-Indigenous Relations
13 and Northern Affairs Canada requested that Agnico Eagle
14 conduct an analysis of the potential impacts of the
15 release of saline effluent from waterlines onto
16 ice-rich soils on tundra.

17 Agnico Eagle submitted the requested analysis and
18 included proposed mitigation, and we are satisfied with
19 this response. Next slide, please.

20 Technical Review Comment Number 8 deals with
21 monitoring and the prevention of waterline spills using
22 fibre optic leak detection system.

23 Specifically, the final environmental impact
24 statement addendum indicated that spills from the
25 saline waterline will be prevented through the use of
26 fibre optic leak detection system.

1 Crown-Indigenous Relations and Northern Affairs
2 Canada requested that Agnico Eagle provide additional
3 information regarding the design and function of the
4 proposed fibre optic leak detection system that would
5 be used to detect potential spills. Agnico Eagle
6 provided the information on the design and the function
7 leak detection system; CIRNAC is satisfied with this
8 response. Next slide, please.

9 Technical Comment Number 10: "Closure and
10 Reclamation Plan Related to the Burial of the
11 Waterline".

12 Subsequent to the issuance of the final
13 environmental impact statement addendum, Agnico Eagle
14 committed to covering 80 to 90 percent of the
15 waterline. However, this change was not reflected in
16 the interim closure and reclamation plan for the
17 project.

18 Crown-Indigenous Relations and Northern Affairs
19 Canada requested that Agnico Eagle submit a summary of
20 how covering the waterline will affect the reclamation
21 and closure strategy for the Meliadine Mine site.
22 Agnico Eagle provided a summary of how the covering of
23 waterlines will affect the reclamation closure strategy
24 and commits to incorporating the information in the
25 next iteration of the interim closure and reclamation
26 plan. We are satisfied with this response and

1 commitment. Next slide, please.

2 Technical Review Comment Number 1: "Clarification
3 of the Underground Mine Groundwater Inflows".

4 Specifically, the final environmental impact
5 statement addendum presented information and
6 interpretation that was inconsistent with Agnico
7 Eagle's conclusion that the proposed amendment is
8 required because groundwater inflows to the ground --
9 to the underground mine at Tiriganiaq deposits are
10 higher than originally anticipated.

11 Crown-Indigenous Relations and Northern Affairs
12 Canada requested that Agnico Eagle provide additional
13 data to support their statements that inflows of saline
14 groundwater are now anticipated to be greater than that
15 previously predicted.

16 Agnico Eagle commits to updating the groundwater
17 management plan to clarify discrepancies between the
18 2014 final environmental impact statement and the 2020
19 final environmental impact statement addendum.

20 Crown-Indigenous Relations and Northern Affairs
21 Canada is satisfied with this commitment and will
22 review the updated groundwater management plan when
23 provided. Next slide, please.

24 Technical Review Comment Number 2: "Surface
25 Contact Water Discharge Via the Waterline to
26 Melvin Bay".

1 Crown-Indigenous Relations and Northern Affairs
2 Canada was seeking clarity regarding the extent to
3 which the surface contact water will be conveyed by the
4 proposed waterline discharged to Melvin Bay.

5 Agnico Eagle commits to updating the groundwater
6 management plan to provide further details on the
7 activity of mixing and treating various contact water
8 sources at site 30 days after the issuance of the
9 amended project certificate.

10 Crown-Indigenous Relations and Northern Affairs
11 Canada is satisfied with this commitment and will
12 review the updated groundwater management plan when
13 provided. Next slide, please.

14 Technical Review Comment Number 3: "Saline
15 Effluent Treatment Plant, Increased Treatment Capacity,
16 and Contingency Plan".

17 The final environmental impact statement addendum
18 did not contemplate any potential upgrades to the
19 saline effluent treatment plant that may be needed to
20 treat additional saline water, nor did it describe
21 contingencies that will be put in place to manage
22 situations where the saline effluent treatment plant
23 will be unable to treat all water for discharge to
24 Melvin Bay.

25 Crown-Indigenous Relations and Northern Affairs
26 Canada requested that Agnico Eagle provide further

1 information regarding the sludge management for the
2 proposed expanded saline effluent treatment plant.
3 Agnico Eagle commits to updating the water management
4 plan to include multiple options for the management of
5 increased volumes of sludge.

6 Crown-Indigenous Relations and Northern Affairs
7 Canada is satisfied with this commitment and will
8 review the updated water management plan when provided.
9 Next slide, please.

10 Technical Review Comment Number 9: "Annual
11 Waterline Shutdown and Restart Plan".

12 The proposed waterlines will be winterized at the
13 end of each operating season and recommissioned prior
14 to the subsequent season. Crown-Indigenous Relations
15 and Northern Affairs Canada requested that Agnico Eagle
16 integrate all components of the waterline system
17 management, indeed their standalone water management
18 plan or waterline related appendices of the most
19 relevant preexisting management plans.

20 Agnico Eagle commits to integrating the operation
21 and maintenance component of the waterline system into
22 an existing management plan. The plan will be
23 submitted 60 days prior to the commissioning of the
24 waterline.

25 Crown-Indigenous Relations and Northern Affairs
26 Canada is satisfied with this commitment and will

1 review the updated management plan when provided. Next
2 slide, please.

3 To conclude, Crown-Indigenous Relations and
4 Northern Affairs Canada identified areas of concern,
5 and Agnico Eagle provided required information or were
6 committed to addressing the identified concerns in
7 subsequent iterations of management plans.

8 For aspects within Crown-Indigenous Relations and
9 Northern Affairs Canada's mandate, the proposed project
10 is unlikely to cause significant adverse environmental
11 effects.

12 In closing, Crown-Indigenous Relations and
13 Northern Affairs Canada appreciates the opportunity to
14 participate in this review, and we are looking forward
15 to working with all parties throughout any remaining
16 review phases. Quanna. Thank you. Merci.

17 THE CHAIR: Thank you for your
18 presentation.

19 NIRB legal counsel.
20 Procedural Direction by Nunavut Impact Water Board
21 Legal Counsel

22 MS. MEADOWS: Thank you, Madam Chair.
23 Teresa Meadows, legal counsel for the Nunavut Impact
24 Review Board.

25 Madam Chair, I have -- for the next presenter,
26 Environment and Climate Change Canada, I have one

1 presentation to be marked as the next exhibit in this
2 public hearing. The presentation is jointly in English
3 and in Inuktitut.

4 EXHIBIT 12 - Hard Copy PowerPoint
5 Presentation, Environment and Climate Change
6 Canada's Presentation to the Nunavut Impact
7 Review Board Respecting the Meliadine Saline
8 Effluent Discharge to the Marine Environment
9 Amendment (English/Inuktitut)

10 MS. MEADOWS: And with respect to the
11 witnesses to be affirmed for Environment and Climate
12 Change Canada, I will administer the affirmation and
13 then when the screen returns to you, if you can please
14 state and spell your name for the record, then state
15 your name and that you affirm, you may then proceed.

16 VICTORIA SHORE, ANNE WILSON, Affirmed

17 MS. MEADOWS: Thank you, Madam Chair. Those
18 are my procedural matters.

19 THE CHAIR: Environment and Climate Change
20 Canada, Victoria Shore.

21 Presentation by Environment and Climate Change Canada,
22 (Environment and Climate Change Canada's
23 Presentation to the Nunavut Impact Review Board
24 Respecting the Meliadine Saline Effluent Discharge to
25 the Marine Environment Amendment)

26 MS. SHORE: Environment and Climate Change

1 Canada, Victoria Shore.

2 Good afternoon, Madam Chair, Board members,
3 Elders, community members, Board staff, Agnico Eagle,
4 and fellow intervenors.

5 As I just mentioned, my name is Victoria Shore,
6 and I am a senior environmental assessment officer with
7 Environment and Climate Change Canada.

8 Today, I will be presenting the department's final
9 written submission in regards to Agnico Eagle's
10 Meliadine saline effluent discharge amendment. Next
11 slide, please.

12 To start off, I will go through Environment and
13 Climate Change Canada's mandate, briefly touch upon the
14 relevant acts and legislation, and then I'll go through
15 the recommendations and resolutions outlined in the
16 department's final written submission to the Nunavut
17 Impact Review Board. Next slide.

18 Environment and Climate Change Canada's mandate
19 includes the preservation and enhancement of the
20 quality of the natural environment, including water,
21 air, and soil quality, and the coordination of the
22 relevant policies and programs of the Government of
23 Canada.

24 It also includes renewable resources, such as
25 migratory birds and other nondomestic flora and fauna,
26 meteorology, and the enforcement of rules and

1 regulations. Next slide.

2 Environment and Climate Change Canada's mandate is
3 governed by the Department of the Environment Act, the
4 Canadian Environmental Protection Act, the pollution
5 prevention provisions of the Fisheries Act, the
6 Migratory Birds Convention Act, and the Species At Risk
7 Act. Next slide, please.

8 In November 2020, Environment and Climate Change
9 Canada presented two technical comments, both of which
10 have now been resolved as outlined in the department's
11 final written submission.

12 The first comment was in relation to monitoring in
13 the marine environment. Environment and Climate Change
14 Canada recommended that Agnico Eagle include
15 invertebrate sampling as a monitoring objective of the
16 ocean discharge monitoring plan to address concerns
17 raised by the Kivalliq Wildlife Board in an information
18 request directed to Environment and Climate Change
19 Canada.

20 In their response, Agnico Eagle provided
21 additional information regarding the circumstances
22 under which an invertebrate study would be conducted.

23 (INTERPRETER BELL)

24 THE CHAIR: Please slow down for the
25 interpreter and pause between sentences.

26 MS. SHORE: Yes. I'm sorry.

1 Agnico Eagle also met with Environment and Climate
2 Change Canada to discuss the issue and informed
3 Environment and Climate Change Canada of their
4 technical discussions with Kivalliq Wildlife Board
5 indicating that the Kivalliq Wildlife Board supported
6 the proposed community-based monitoring of shellfish
7 and mussels to address their concerns. Environment and
8 Climate Change Canada is satisfied with the response
9 and considers this issue resolved.

10 Environment and Climate Change Canada also had
11 questions about the drainage reductions from Meliadine
12 Lake. Environment and Climate Change Canada requested
13 that Agnico Eagle specify the volumes of freshwater
14 that will be discharged to the marine environment in
15 order to assess impacts of the diversion of site runoff
16 to Melvin Bay on the flow and water level regime of
17 Meliadine lake.

18 Agnico Eagle provided this information in their
19 response to our technical comments. The total diverted
20 volume of freshwater that will be discharged to the
21 marine environment is less than the diverted quantity
22 assessed by Golder, confirming that the assessment by
23 Golder is conservative.

24 Environment and Climate Change Canada is satisfied
25 with the response and considers this issue resolved.
26 Next slide, please.

1 This concludes my presentation. Thank you for the
2 opportunity to present, Madam Chair.

3 THE CHAIR: NIRB legal counsel.
4 Procedural Direction by Nunavut Impact Review Board
5 Legal Counsel

6 MS. MEADOWS: Thank you, Madam Chair.
7 Teresa Meadows, legal counsel for the Nunavut Impact
8 Review Board.

9 Madam Chair, the next presenter will be Fisheries
10 and Oceans Canada and, in terms of exhibits, I have two
11 presentations that I propose to mark as the next
12 exhibits in this public hearing, one presentation in
13 English and one presentation in Inuktitut.

14 EXHIBIT 13 - Hard Copy PowerPoint
15 Presentation, Agnico Eagle Mines Limited's
16 "Saline Effluent Discharge to the Marine
17 Environment" Project Presentation to the
18 Nunavut Impact Review Board, Department of
19 Fisheries and Oceans Canada (English)

20 EXHIBIT 14 - Hard Copy PowerPoint
21 Presentation, Agnico Eagle Mines Limited's
22 "Saline Effluent Discharge to the Marine
23 Environment" Project Presentation to the
24 Nunavut Impact Review Board, Department of
25 Fisheries and Oceans Canada (French)

26 MS. MEADOWS: For the witnesses who will be

1 appearing on behalf of Fisheries and Oceans Canada, I
2 will state the affirmation, and when we switch over to
3 you, if you can state and spell your name for the
4 record, then state your name again and that you affirm,
5 you will be ready to proceed.

6 EDYTA RATAJCZYK, JOSÉ AUDET-LECOUFFE, Affirmed

7 MS. MEADOWS: Thank you, Madam Chair. Those
8 are my procedural matters.

9 THE CHAIR: Fisheries and Oceans Canada,
10 Edyta Ratajczyk.

11 Presentation by Fisheries and Oceans Canada, (Agnico
12 Eagle Mines Limited's "Saline Effluent Discharge to the
13 Marine Environment" Project Presentation to the Nunavut
14 Impact Review Board)

15 MS. RATAJCZYK: Thank you, Madam Chair.

16 Good afternoon, Madam Chair, the community of
17 Rankin Inlet and the community members, and Agnico
18 Eagle Mines Limited representatives joining us this
19 week.

20 As mentioned before, my name is Edyta Ratajczyk,
21 lead fisheries biologist with Fisheries and Oceans
22 Canada under the fish and fish habitat protection
23 program.

24 Accompanying me today is José Audet-Lecouffe,
25 senior biologist also with Fisheries and Oceans Canada.

26 I would like to thank the Nunavut Impact Review

1 Board for providing Fisheries and Oceans Canada with
2 the opportunity to present our final comments and
3 requests and respect to Agnico Eagle Mines Limited
4 saline effluent discharge to the marine environment.

5 We hope our comments will be helpful to the Board
6 by providing expert advice on the potential impacts to
7 fish and fish habitat. Next slide, please. Next
8 slide, please. Slide 2.

9 In terms of our presentation today, first, I will
10 provide an overview of our mandate and applicable
11 legislation.

12 Second, I will provide an overview of our final
13 comment submission that we provided to the Nunavut
14 Impact Review Board with regards to Agnico Eagle Mines
15 Limited saline effluent discharge to the marine
16 environment project proposal. I will focus on DFO's
17 final comment and information provided.

18 Third, I will present our conclusions. If I may,
19 I will take time to answer any questions or comments
20 related to our presentation. For the remainder of the
21 presentation, I will also refer to Fisheries and Oceans
22 Canada as DFO. Next slide, please.

23 The new Fisheries Act as of August 28th, 2019.
24 New fish and fish habitat protection program provisions
25 of the Fisheries Act came into force. The mandate of
26 the fish and the fish habitat protections program is to

1 conserve and protect fish and fish habitat.

2 Subsection 34.4 of the Fisheries Act states that:

3 (as read)

4 No person shall carry on any work,
5 undertaking, or activity other than fishing
6 that results in the death of fish.

7 Next slide, please. "Continuing With the Mandate."

8 Subsection 35 of the Fisheries Act states that:

9 (as read)

10 No person shall carry on any work,
11 undertaking, or activity that results in the
12 harmful alteration, disruption, or
13 destruction of fish habitat.

14 Next slide, please.

15 DFO has considered the Fisheries Act in its review
16 to determine what aspects of the project could impact
17 fish and their habitats. Our final written submission
18 and recommendations to the Board focused on the
19 following two areas: Number 1, the waterline
20 installation; and Number 2, construction, installation
21 of the discharge waterline and diffuser.

22 In this presentation, Fisheries and Oceans Canada
23 will bring to the Board's attention only the key
24 points, recognizing that our final comments and other
25 previous submissions, including those provided to the
26 Nunavut Impact Review Board, provide complete details.

1 We would also like to acknowledge at this point that
2 our technical comments are now considered resolved.
3 Next slide, please.

4 Our first comment is related to the waterline
5 installation. DFO acknowledges that Agnico Eagle
6 Mine's submission of information related to the
7 waterline installation as part of the Nunavut Impact
8 Review Board process. DFO acknowledges AEM's
9 commitments to ensuring fish passage requirements are
10 met and that discussions regarding fish passage will
11 continue during the installation of the waterline.

12 Agnico Eagle Mines has indicated that crossings
13 that are currently supported by bridges along the
14 all-weather access road will have the waterline run
15 directly under and be secured to the existing bridge,
16 thus avoiding disturbance to fish and fish habitat
17 below the high water mark.

18 For crossings where streams are currently not
19 supported by the bridges, Agnico Eagle Mines proposed
20 to bridge the waterline using concrete blocks as anchor
21 points on the bank. Agnico Eagle Mines has indicated
22 that heavy machinery will not be used within the high
23 water mark during installation, and they will ensure
24 that proper sediment control measures will be in
25 effect. Fisheries and Oceans Canada considers this
26 issue resolved. Next slide, please.

1 Regarding the waterline installation, the
2 Department of Fisheries and Oceans, under the fisheries
3 and fish habitat program, recommends the proponent
4 continue to engage with us in order to avoid
5 disturbance to fish and fish habitat. Next slide,
6 please.

7 Regarding the construction/installation of the
8 discharge waterline and diffuser, DFO requested that
9 Agnico Eagle Mines provide a request for review for the
10 proposed work. A request for review was submitted on
11 November 20th, 2020, where Agnico Eagle Mines indicated
12 that horizontal directional drilling will be the method
13 of installation for the new waterline into Melvin Bay.
14 DFO is currently reviewing the request for review and
15 view the horizontal directional drilling as low impact
16 to fish and fish habitat.

17 We also consider the footprint of 500 to
18 750 metres squared minimal to fish and fish habitat.
19 Next slide, please.

20 DFO would like to acknowledge that we consider
21 this issue resolved. We are currently reviewing the
22 request for review, and we will continue to work with
23 Agnico Eagle Mines throughout the regulatory review
24 process. Next slide, please.

25 Our conclusion. Both technical comments are now
26 considered resolved. Fisheries and Oceans Canada will

1 continue to work with Agnico Eagle Mines and
2 stakeholders, including potentially impacted
3 communities, to ensure that the concerns related to the
4 waterline installation and construction/installation of
5 the discharge waterline and diffuser are addressed, and
6 the appropriate mitigation measures, follow-up, and
7 monitoring programs are implemented. Next slide,
8 please.

9 DFO would like to thank the Nunavut Impact Review
10 Board and all hearing partners for the opportunity to
11 present our final comments, and we are happy to take
12 any questions.

13 Thank you.

14 THE CHAIR: Thank you for your
15 presentation.

16 Moving on to questions to the three registered
17 intervenors, Crown-Indigenous Relations and Northern
18 Affairs Canada, Environment and Climate Change Canada,
19 and Fisheries and Oceans Canada. Questions can be
20 directed to any of those three intervenors.

21 First, Nunavut Tunngavik, Bert Dean.

22 MR. DEAN: Thank you, Madam Chair. Bert
23 Dean from NTI.

24 We don't have any questions at this time. Thank
25 you.

26 THE CHAIR: (INUKTITUT SPOKEN - NO

1 TRANSLATION) Luis Manzo.

2 Kivalliq Inuit Association Questions Crown-Indigenous
3 Relations and Northern Affairs Canada

4 MR. MANZO: Thanks, Madam Chairman. Luis
5 Manzo, Kivalliq Inuit Association.

6 This question is directed to Spencer Dewar for
7 Crown-Indigenous Affairs Canada.

8 I would like to know when CIRNAC reviewed the
9 project, what they understand -- what CIRNAC understand
10 regarding the values of this type of -- in this type of
11 discharge in this application. Thank you.

12 THE CHAIR: Can you please repeat your
13 question, Luis, for the interpreters.

14 MR. MANZO: Thank you, Madam Chair.
15 Luis Manzo, Kivalliq Inuit Association.

16 KIA would like to know if CIRNAC understand the
17 scope of the project in regarding the values, the
18 volume of the water and the type of discharge when they
19 review the application.

20 THE CHAIR: Crown-Indigenous Relations and
21 Northern Affairs Canada, Spencer Dewar.

22 MR. DEWAR: Qujannamiik, Madam Chair.
23 Spencer Dewar, Crown-Indigenous Relations and Northern
24 Affairs Canada. Can you hear me?

25 THE CHAIR: Yes. You may proceed.

26 MR. DEWAR: Okay. So we did ask Agnico

1 Eagle through the information requests to clarify the
2 scope, and we asked them to clarify whether they were
3 proposing the maximum discharge rate of 12,000 cubic
4 metres or 20,000 cubic metres a day. In the response,
5 Agnico Eagle indicated that they were requesting the
6 maximum discharge rate of 12,000 cubic metres a day in
7 this application.

8 (INTERPRETER BELL)

9 MR. DEWAR: Within the application, they
10 indicated that there was --

11 THE CHAIR: Please slow down for the
12 interpreters.

13 MR. DEWAR: Sorry.

14 THE CHAIR: Yeah.

15 MR. DEWAR: Sorry.

16 THE CHAIR: Please pause at the 12,000.

17 MR. DEWAR: Right.

18 So AEM did indicate that the maximum discharge
19 rate was 12,000 cubic metres per day in their
20 application and then highlighted in our application
21 that's an alternative to divert additional water to the
22 waterline for an additional 8,000 cubic metres per day
23 for a total capacity of 20,000 cubic metres per day.

24 Further, we requested clarification yesterday at
25 the hearing, just to better understand what Agnico
26 Eagle was proposing that the NIRB make a decision on,

1 and what I understand is that Agnico Eagle has assessed
2 and is asking permission to use the full capacity of
3 20,000 cubic metres per day.

4 Qujannamiik, Madam Chair.

5 THE CHAIR: Kivalliq Inuit Association,
6 Luis Manzo.

7 MR. MANZO: Thank you, Madam Chairman.

8 I will ask Richard Nesbitt if he wanted to add
9 something to the question.

10 THE CHAIR: Kivalliq Inuit Association,
11 Richard Nesbitt.

12 MR. NESBITT: Thank you, Madam Chair.

13 To follow up with Luis's question, I'm wondering
14 if Spencer -- if CIRNAC can clarify of the 20,000 cubic
15 metres per day that seems to be requested right now,
16 what proportion of that would be devoted to saline
17 groundwater, and what proportion would be devoted to
18 freshwater from CP1? Thank you.

19 THE CHAIR: Crown-Indigenous Relations and
20 Northern Affairs Canada, Spencer Dewar.

21 MR. DEWAR: Qujannamiik, Madam Chair.
22 Spencer Dewar, Crown-Indigenous Relations and Northern
23 Affairs Canada.

24 So I was originally quoting from AEM's responses
25 to the information request provided October 13th, 2020,
26 and in that it appears that they were indicating that

1 12,000 would be the maximum discharge rate of saline
2 effluent and then there would be an
3 8,000-cubic-metre-per-day capacity as part of the
4 alternative, which would be surface water.

5 So, Madam Chair, I think this question might be
6 more appropriate if we direct it to Agnico Eagle
7 because they would be able to clarify and articulate
8 exactly what they're proposing.

9 Qujannamiik, Madam Chair.

10 THE CHAIR: Agnico Eagle, Jamie Quesnel.

11 MR. QUESNEL: Jamie Quesnel, Agnico Eagle.

12 Thank you, Madam Chair.

13 As the line has capacity of 20,000 cubic metres,
14 the receiving environment has been assessed at 20,000
15 cubic metres. And, to provide more clarity, as it
16 appears that we may be causing some confusion,
17 basically Agnico Eagle assessed the 20,000 cubic metres
18 to the receiving environment, and we're asking
19 permission to use the full capacity of the waterline,
20 20,000 cubic metres.

21 As mentioned by the Crown-Indigenous Relations and
22 Northern Affairs Canada, this volume of 20,000 cubic
23 metres will be used to manage saline and surface
24 contact freshwater over the life of the mine.

25 Agnico Eagle would report on the volumes of saline
26 and freshwater discharged to Itivia Harbour via the

1 waterline as part of the annual report, just to clarify
2 what was saline and what was freshwater.

3 The reference to the 12,000 cubic metres of saline
4 water is our prediction and should not be included in
5 the project certificate as a limit. The line has
6 20,000-cubic-metre capacity. We need to move the
7 water. We have two types of water, and we'll provide
8 updates of the type of water that will be moved through
9 the pipeline. So hopefully that provides some clarity.

10 Thank you.

11 THE CHAIR: Kivalliq Inuit Association,
12 Luis Manzo.

13 MR. MANZO: Thank you, Madam Chairman.
14 Luis Manzo, Kivalliq Inuit Association. I continue
15 passing that -- any other question from Richard. Thank
16 you.

17 Richard, please.

18 THE CHAIR: Richard Nesbitt.

19 MR. NESBITT: Thank you, Madam Chair.

20 I appreciate the clarification both from CIRNAC
21 and their understanding and from Agnico Eagle.

22 It is -- it feels like newer information based on
23 the application as presented to us and to the NIRB that
24 potentially more than 12,000 cubic metres per day of
25 saline groundwater may be required, and we will have to
26 take a bit of time to digest this new understanding of

1 the scope of the project for us. Thank you.

2 THE CHAIR: Government of Nunavut, Gabriel
3 Karlik.

4 MR. KARLIK: Thank you, Madam Chair.
5 Gabriel Karlik, Government of Nunavut. No questions at
6 this time.

7 THE CHAIR: Crown-Indigenous Relations and
8 Northern Affairs Canada was the lead for the Government
9 of Canada. Maybe -- perhaps the Government of Canada
10 legal counsel, Simon Gruda-Dolbec, can confirm if there
11 are any questions from other Government of Canada
12 departments.

13 MR. DEWAR: Qujannamiik, Madam Chair. Can
14 you hear me?

15 THE CHAIR: Yeah. Go ahead. To Spencer
16 Dewar.

17 MR. DEWAR: Okay. I'll let Simon use my
18 feed to clarify. I wouldn't want to be the one that
19 said there is no questions for me.

20 THE CHAIR: Simon Gruda-Dolbec.

21 MR. GRUDA-DOLBEC: Madam Chair?

22 THE CHAIR: Go ahead.

23 MR. GRUDA-DOLBEC: Qujannamiik, Madam Chair. I'm
24 not aware that there are any questions. So no
25 questions for now.

26 THE CHAIR: (INUKTITUT SPOKEN - NO

1 TRANSLATION). If you have any questions for
2 Crown-Indigenous Affairs and -- Thomas Ubluriak, do you
3 have any questions?

4 Arviat Hunters and Trappers Organization Questions
5 Crown-Indigenous Affairs and Northern Affairs Canada
6 MR. UBLURIAK: Thank you.

7 First when this was talked about how caribou
8 survive, Thomas -- I'm Thomas Ubluriak. From my
9 experience and from my dad or father, from my
10 grandfather I've learned this.

11 These caribou -- if I were to tell a story, it's
12 going to be too long so next time maybe I'll tell the
13 story. Thank you, Chairperson.

14 THE CHAIR: You will be able to ask or
15 tell us the story later on.

16 Harry Aggark, Aqigiq Hunters and Trappers.
17 Aqigiq Hunters and Trappers Questions Fisheries and
18 Oceans Canada and Environment and Climate Change Canada

19 MR. AGGARK: I want to ask Fisheries and
20 Oceans. In the handout it says -- I need a bit of
21 clarification on -- that said: (as read)

22 No person shall carry on any work,
23 undertaking, or activity other than fishing
24 that result in the death of fish.

25 Can I get clarification for that, please.

26 Thank you.

1 THE CHAIR: Fisheries and Oceans Canada,
2 Edyta Ratajczyk.

3 MS. RATAJCZYK: Thank you, Madam Chair. Edyta
4 Ratajczyk, Fisheries and Oceans Canada.

5 In the event that your activity that you're going
6 to be undertaking will result in the fish -- in death
7 of fish or destruction of fish habitat, we then will
8 require you to apply to have that activity authorized
9 by Fisheries and Oceans Canada.

10 In the event that fishing will result in the death
11 and destruction of fish habitat outside of cultural
12 fishing, then we would require that to be authorized.
13 I hope that answers your question.

14 Thank you.

15 THE CHAIR: Aqigiq Hunters and Trappers,
16 Harry Aggark.

17 MR. AGGARK: This question is to
18 Environment and Climate Change Canada. I thought the
19 final hearing was mainly about saline effluent, the
20 salt water that want to be discharged by the proponent.
21 Now Environment and Climate Change is stating:

22 (as read)

23 Specify the volume of freshwater that will be
24 discharged to the marine environment.

25 Are we talking about freshwater here or saline?

26 Thank you, Madam.

1 THE CHAIR: Environment and Climate Change
2 Canada, Victoria Shore.

3 MS. SHORE: Victoria Shore, Environment
4 and Climate Change Canada.

5 I think there was some glitches on the computer.
6 Could the question please be repeated.

7 Thank you, Madam Chair.

8 THE CHAIR: Harry Aggark.

9 MR. AGGARK: Qujannamiik, Madam Chair.
10 Thank --

11 THE CHAIR: If you could repeat your
12 question. Environment Canada didn't hear your
13 question, so he can -- so if you can ask your question
14 again.

15 MR. AGGARK: Madam Chair, on the
16 Environment Climate Change Canada, it's on page -- the
17 handout, 5 -- page 5.

18 What I asked about was why are they asking the
19 proponents to measure or, you know, let Environment
20 Canada know how much freshwater is being discharged to
21 the marine environment because I'm kind of confused
22 between saline water and freshwater being mentioned
23 here.

24 Thank you, Madam Chair.

25 THE CHAIR: Environment and Climate Change
26 Canada, Victoria Shore.

1 MS. SHORE: Thank you, Madam Chair,
2 Victoria Shore, Environment and Climate Change Canada.
3 My colleague Anne Wilson will answer this question.
4 Thank you.

5 THE CHAIR: Anne Wilson.

6 MS. WILSON: Thank you. Anne Wilson,
7 Environment and Climate Change Canada.

8 Our original technical comment had been concerned
9 with the amount of freshwater that was going to be
10 diverted from the mine site because we knew at the time
11 that there would be a portion of the marine discharge
12 made up of site contact water.

13 We were concerned whether that would be enough
14 water to make a difference in the lakes and rivers on
15 the site, so we asked the proponent to have a look at
16 that for us.

17 They provided the water balance, and I was
18 satisfied that there were not going to be effects on
19 the local water flows due to removals with the
20 discharge in the marine system. Thank you.

21 THE CHAIR: (INUKTITUT SPOKEN - NO
22 TRANSLATION) Harry Aggark.

23 MR. AGGARK: Thank you, Madam Chair.

24 I have no further questions. Thank you.

25 THE CHAIR: (INUKTITUT SPOKEN - NO
26 TRANSLATION) Harold Putumiraqtuq.

1 MR. PUTUMIRAQTUQ: Thank you, Madam Chair.

2 I would like to get IKWT to present this. Thank
3 you.

4 THE CHAIR: Okay. We'll move on to the
5 next one.

6 (INUKTITUT SPOKEN - NO TRANSLATION) Andre Aokaut.
7 Harold.

8 MR. PUTUMIRAQTUQ: Sorry. I was trying to say
9 that I want -- I would like KWT -- KWB to present Baker
10 Lake HTO. Thank you.

11 THE CHAIR: They're right after the Rankin
12 HTO, so we'll include them in that one.

13 Rankin HTO, Andre Aokaut.

14 Kangiqliniq Hunters and Trappers Organization Questions
15 Fisheries and Oceans Canada

16 MR. AOKAUT: Andre Aokaut, Kangiqliniq HTO.

17 I got a question for DFO. As Inuit, we know that
18 arctic char are attracted to movement of water for the
19 fall migration upriver. What impacts, if any, should
20 we expect if arctic char are attracted to moving water
21 from the pipeline? Thank you.

22 THE CHAIR: Fisheries and Oceans Canada,
23 Edyta Ratajczyk.

24 MS. RATAJCZYK: Thank you, Madam Chair. Edyta
25 Ratajczyk, Fisheries and Oceans Canada.

26 We anticipate any impact to be minimal. Thank

1 you.

2 THE CHAIR: Andre Aokaut, Rankin Inlet
3 HTO.

4 MR. AOKAUT: Thank you, Madam Chair.
5 I have no further questions.

6 THE CHAIR: KWB, Clayton Tartak.
7 Kivalliq Wildlife Board Questions Crown-Indigenous
8 Relations and Northern Affairs Canada

9 MR. TARTAK: Thank you, Madam Chair.
10 Clayton Tartak, Kivalliq Wildlife Board.

11 It's been stated during meetings between the
12 Kivalliq Wildlife Board, the Kangiqliniq Hunters and
13 Trappers Organization, and Agnico Eagle Mines that
14 Crown-Indigenous -- Crown and Indigenous Relations
15 Northern Affairs Canada would be funding the
16 community-based monitoring. Did Crown and Indigenous
17 Relations and Northern Affairs Canada or Environment
18 Canada plan on meeting with either the hunters and
19 trappers organizations or the Kivalliq Wildlife Board
20 regarding this financial commitment?

21 THE CHAIR: Crown-Indigenous Relations and
22 Northern Affairs Canada, Spencer Dewar.

23 MR. DEWAR: Qujannamiik, Madam Chair. Can
24 you hear me? Spencer Dewar, Crown-Indigenous Relations
25 and Northern Affairs Canada.

26 THE CHAIR: Yes. You may proceed.

1 MR. DEWAR: Thank you, Clayton, for the
2 question.

3 So the Government of Canada does not have specific
4 funding to provide for monitoring in relation to
5 project certificates. However, the Government of
6 Canada does have various programs which can be applied
7 for to fund monitoring programs. So if there is a --
8 it would be a proposal-based system where we would be
9 able to seek -- see a proposal, and then provide funds
10 based on what's being requested from the proponent.

11 We can commit to providing a list of the potential
12 programs that the Government of Canada offers, and if
13 there's any follow-up questions or there's a request
14 for a meeting, we could entertain that as well to
15 discuss what is available.

16 I'd also open that up to other federal
17 departments, if they'd like to speak more specifically
18 to some of the programs that they offer. Qujannamiik,
19 Madam Chair.

20 THE CHAIR: Environment and Climate Change
21 Canada, Victoria Shore.

22 MS. SHORE: Victoria Shore, Environment
23 and Climate Change Canada.

24 Environment and Climate Change Canada is open to
25 having discussions and sharing our relevant expertise
26 to help shape a shellfish monitoring program, noting

1 that Environment and Climate Change Canada's mandate
2 and expertise are limited to the environment, and we
3 would, therefore, defer to other departments or
4 governments for any human health components of a
5 proposed monitoring program.

6 As CIRNAC mentioned, funding programs exist within
7 the government that may be applicable. We would be
8 open to meeting to discuss these further, but I have no
9 specific information to provide at this time. Thank
10 you.

11 THE CHAIR: Fisheries and Oceans Canada,
12 Edyta Ratajczyk.

13 MS. RATAJCZYK: Thank you, Madam Chair. Edyta
14 Ratajczyk, Fisheries and Oceans Canada.

15 Echoing what my partners have said from ECCC and
16 from CIRNAC, Fisheries and Oceans Canada has funding
17 available for monitoring programs and is willing to
18 share this information with the NIRB to distribute to
19 interested parties. There is a program at the federal
20 level that is called the Canadian shellfish sanitation
21 program, which is a food safety program administrated
22 by the Canadian food inspection agency, Environment
23 Climate Change Canada, and Fisheries and Oceans Canada.

24 If the goal would be to assess the risk associated
25 with the consumption of shellfish, the community-based
26 monitoring program could use the federal program to

1 help develop the design. Thank you.

2 THE CHAIR: Kivalliq Wildlife Board,
3 Clayton Tartak.

4 MR. TARTAK: Thank you, Madam Chair.
5 Clayton Tartak, Kivalliq Wildlife Board.

6 It seems counterintuitive to support a
7 community-based monitoring program at a final hearing
8 where a contribution agreement has not been signed and
9 the program has not been developed, especially in the
10 case where there's the potential for a term and
11 condition to be involved with the community-based
12 monitoring.

13 I don't really have a question per se, but it
14 just -- it seems a little bit backwards, in my opinion,
15 and a lot of these concerns that come from the
16 communities are being deferred to a community-based
17 monitoring program that has not been developed yet.
18 Thank you, Madam Chair.

19 THE CHAIR: Crown-Indigenous Relations and
20 Northern Affairs Canada, Spencer Dewar.

21 MR. DEWAR: Qujannamiik. Can you hear me?

22 THE CHAIR: Yes. You may proceed.

23 MR. DEWAR: Thank you, Madam Chair.
24 Spencer Dewar, Crown-Indigenous Relations and Northern
25 Affairs Canada.

26 So, Clayton, I will commit to providing you the

1 list. We're still developing it, but we do have most
2 of the programs related to monitoring, and we can look
3 at the opportunities on, you know, where it could best
4 suit your organization and other organizations' needs.
5 Thank you.

6 THE CHAIR: Kivalliq Wildlife Board,
7 Clayton Tartak.

8 MR. TARTAK: Thank you, Madam Chair. I
9 have one final question as a follow-up to the question
10 from the Kangiqliniq Hunters and Trappers Organization.
11 In the case that arctic char are continued -- like, are
12 continually attracted to the moving water from the
13 saline effluent pond -- or from the saline effluent
14 discharge location, is there any modelling from DFO
15 that suggests that there would be an impact from within
16 the mixing zone?

17 THE CHAIR: Fisheries and Oceans Canada,
18 Edyta Ratajczyk.

19 MS. RATAJCZYK: Thank you, Madam Chair. Edyta
20 Ratajczyk, Fisheries and Oceans Canada.

21 At this moment, Fisheries and Oceans Canada under
22 the fish and fish habitat protection program is unaware
23 of any modelling in terms of arctic char and the mixing
24 zone around a diffuser. If I could defer this question
25 'til tomorrow to ask my colleagues within the fisheries
26 management and other departments of Fisheries and

1 Oceans Canada, that would be greatly appreciated.

2 Thank you.

3 THE CHAIR: We'll take that as a deferred
4 response.

5 Kivalliq Wildlife Board, Clayton Tartak.

6 MR. TARTAK: Thank you, Madam Chair.

7 Actually, one more follow-up question to that. In
8 the case that char are attracted to the moving water
9 from the discharge location, what happens to the arctic
10 char if they're stuck there past the fall migration
11 season, so if they're stuck there past -- at the end of
12 August with discharge happening until approximately
13 November during the open-water season?

14 THE CHAIR: Fisheries and Oceans Canada,
15 Edyta Ratajczyk.

16 MS. RATAJCZYK: Thank you, Madam Chair.

17 Fisheries and Oceans Canada, Edyta Ratajczyk.

18 I'd like to defer this to Agnico Eagle Mines in
19 terms of their protocol and plan in the event that
20 arctic char were to be caught in that area. Thank you.

21 THE CHAIR: Agnico Eagle, Jamie Quesnel.
22 Colleen Prather.

23 MS. PRATHER: Thank you, Madam Chair.

24 Colleen Prather with Agnico Eagle.

25 So if I understand the question, there's a concern
26 that arctic char could get trapped in and around the

1 diffuser area in Itivia Harbour. As we've described in
2 our application, the -- the diffuser will be in a water
3 depth of 20 to 24 metres within Itivia Harbour.

4 As -- as we understand through the depth
5 measurements in Itivia Harbour, there is a water
6 connection maintained through there year-round, and our
7 discharge is seasonal, so occurring roughly from -- or
8 would occur roughly from late June or early July
9 through 'til September. So there -- it would be prior
10 to -- to freeze-up that discharge would be stopping
11 at -- and as I mentioned, the habitat in Itivia Harbour
12 is fully connected out into the main ocean. So I'm --
13 I'm not sure that there would be the potential for char
14 to be, I guess, stuck in that area.

15 The other piece we've talked about is the quality
16 of the discharge, and our modelling has suggested that
17 it's a good quality of water once it mixes with the
18 water in Itivia Bay or Itivia Harbour. That area is
19 very small. It's less than a hundred metres in size.
20 And once the discharge stops for the end of the year,
21 the water in the harbor is flushed through normal tidal
22 movements and wind and wave actions.

23 I guess final thing would be to validate or to
24 confirm our studies. We conduct a very rigorous
25 monitoring program where we evaluate the water that's
26 being released, and we evaluate the water once it has

1 been released within Itivia Harbour. I hope that
2 addresses your question. Thanks.

3 THE CHAIR: Kivalliq Wildlife Board,
4 Clayton Tartak.

5 MR. TARTAK: Thank you, Madam Chair.
6 Clayton Tartak, Kivalliq Wildlife Board.

7 I have no further questions.

8 THE CHAIR: Sayisi Dene and Northlands
9 Denesuline First Nations, Geoff Bussidor.
10 Sayisi Dene and Northlands Denesuline First Nations
11 Questions Agnico Eagle Mines Limited

12 MR. BUSSIDOR: Good afternoon. Can you hear
13 me, Madam Chair?

14 THE CHAIR: Yes. You may proceed.

15 MR. BUSSIDOR: Thank you, Madam Chair.

16 Just getting back to the questions of Clayton
17 and -- we're asking about arctic char. I just wanted
18 to ask another question just to continue that
19 conversation, whether AE or Agnico Eagle intends to
20 monitor or put in underwater cameras around a diffuser.
21 That would be a way of observing to see it. Are any
22 arctic char in the area that are staying? I just
23 wanted to mention that, if there -- if there was any
24 plan to have any underwater cameras to monitor a
25 situation there. Thank you, Madam Chair.

26 THE CHAIR: Agnico Eagle, Jamie Quesnel.

1 Colleen Prather.

2 MS. PRATHER: Thank you, Madam Chair.

3 Colleen Prather with Agnico Eagle, and thank you for
4 the question.

5 At this time, no, we are not considering putting
6 underwater video cameras around the diffuser as part of
7 the monitoring program. Thank you.

8 THE CHAIR: Sayisi Dene and Northlands
9 Denesuline First Nations, Geoff Bussidor.

10 MR. BUSSIDOR: Thank you, Madam Chair.

11 I do not have any further questions for Canada at
12 this time. Thank you.

13 THE CHAIR: Agnico Eagle, Jamie Quesnel.
14 Agnico Eagle Mines Limited Questions Crown-Indigenous
15 Relations and Northern Affairs Canada

16 MR. QUESNEL: Jamie Quesnel, Agnico Eagle.
17 Thank you, Madam Chair.

18 I'll have one question for Crown-Indigenous
19 Relations and Northern Affairs Canada, and then my
20 colleague Michel Groleau will have a couple of
21 questions for Environment Canada and Climate Change.

22 So the question for Crown-Indigenous Relations and
23 Northern Affairs Canada: Is CIRNAC satisfied with the
24 adaptive management plan that was submitted to Nunavut
25 Impact Review Board as part of this application? Thank
26 you.

1 THE CHAIR: Crown-Indigenous Relations and
2 Northern Affairs Canada, Spencer Dewar.

3 MR. DEWAR: Qujannamiik, Madam Chair.
4 Spencer Dewar, Crown-Indigenous Relations and Northern
5 Affairs Canada.

6 Yes. The department is satisfied with the
7 adaptive management plan. We believe it to be an
8 important piece of this project. The one concern -- we
9 consider it to satisfy all the pieces required for
10 environmental assessment, and I think what we're
11 looking for is down the road, where is its regulatory
12 home, if that's with the Nunavut Water Board or some
13 other venue. But we -- we do support the adaptive
14 management plan for the purposes of environmental
15 assessment. Qujannamiik.

16 THE CHAIR: Agnico Eagle, Jamie Quesnel.

17 MR. QUESNEL: Jamie Quesnel, Agnico Eagle.
18 Thank you, Madam Chair.

19 I have no further questions for the
20 Crown-Indigenous Relations and Northern Affairs Canada.
21 I thank Spencer for his response, and I would like to
22 turn that over to my colleague Michel Groleau for
23 questions for Environment Canada and Climate Change.
24 Thank you.

25 THE CHAIR: Michel Groleau.

26 Agnico Eagle Mines Limited Questions Environment and

1 Climate Change Canada

2 MR. GROLEAU: Thank you, Madam Chair.

3 Michel Groleau, Agnico Eagle. The question is for
4 Environment and Climate Change Canada.

5 Based on the information that have been presented
6 to date on the modelling of the highest volume of
7 water, which is 20,000 cubic metre per day, at a range
8 of total dissolved solids concentrations from 2,200 to
9 39,600 milligram per litre and the requirement
10 to conduct end-of-pipe acute toxicity monitoring under
11 the Metal and Diamond Mining Effluent Regulations, do
12 you believe that a discharge limit for a total
13 dissolved solids needs to be set? This is my first
14 question. Thank you.

15 THE CHAIR: Environment and Climate Change
16 Canada, Victoria Shore.

17 MS. SHORE: Victoria Shore, Environment
18 and Climate Change Canada.

19 My colleague Anne Wilson will answer this
20 question. Thank you.

21 THE CHAIR: Anne Wilson.

22 MS. WILSON: Anne Wilson, Environment and
23 Climate Change Canada.

24 Under the Metal and Diamond Mining Effluent
25 Regulations, there is no need to set a TDS limit for
26 marine discharges, and the toxicity testing would cover

1 a range of salinities or total dissolved solids going
2 from low for the freshwater species to higher using the
3 marine species. It will be the responsibility of
4 Agnico Eagle to manage the composition of their water
5 such that it can pass the appropriate toxicity tests.

6 And with respect to the question of evaluating the
7 use of the full capacity of the line, we did review the
8 submissions first for 12,000 cubic metres a day and
9 subsequently for up to the potential 20,000 cubic
10 metres per day and did not identify any concerns with
11 discharges at those levels. Thank you.

12 THE CHAIR: Agnico Eagle, Michel Groleau.

13 MR. GROLEAU: Thank you, Madam Chair.

14 Michel Groleau, Agnico Eagle.

15 The second question for Environment and Climate
16 Change Canada: Is Environment and Climate Change
17 Canada satisfied with the adaptive management plan that
18 was submitted to the Nunavut Impact Review Board as
19 part of this application? Thank you.

20 THE CHAIR: Environment and Climate Change
21 Canada, Victoria Shore.

22 MS. SHORE: Victoria Shore, Environment
23 and Climate Change Canada.

24 We are satisfied with the adaptive management
25 plan's approach to water management. We will note that
26 this plan does not supersede the currently approved

1 adaptive management plan under the water licence.

2 Our expectation is that a consolidated updated
3 version of the adaptive management plan would be
4 submitted if this activity is approved. Thank you.

5 THE CHAIR: Agnico Eagle, Michel Groleau.

6 MR. GROLEAU: Thank you, Madam Chair, and
7 thank you, Anne and Victoria, for your response. We're
8 done with our questions.

9 THE CHAIR: Are there any questions from
10 NIRB staff?

11 Nunavut Impact Review Board Staff Questions

12 Crown-Indigenous and Northern Affairs Canada

13 MS. COSTELLO: Thank you, Madam Chair. Karen
14 Costello for NIRB staff.

15 We have one question for Crown-Indigenous
16 Relations and Northern Affairs.

17 The NIRB has heard that many parties are
18 interested in participating in the terrestrial advisory
19 group, particularly Inuit groups defined under the
20 Nunavut Agreement, and the Sayisi and Northlands Dene
21 First Nations.

22 A large part of their interest is related to
23 ensuring their ability to harvest caribou is not
24 impacted. The NIRB has also heard from the proponent
25 that they feel other parties should support groups
26 looking to participate in the terrestrial advisory

1 group. And just earlier today, we heard from NTI about
2 implementation funding and that the next cycle of
3 funding was to start in 2023.

4 We also just heard from both CIRNAC, Fisheries and
5 Oceans, and Environment and Climate Change Canada that
6 there are various programs which groups could
7 potentially avail themselves of for community-based
8 monitoring.

9 So with that as the backdrop, can Crown-Indigenous
10 Relations and Northern Affairs Canada -- what
11 consideration is being given for additional support to
12 hunters and trappers organizations and other parties
13 defined under the Nunavut Agreement or Indigenous
14 groups to participate in activities such as the
15 terrestrial advisory group should the Board recommend
16 to the responsible ministers the amendment be approved?
17 Thank you, Madam Chair.

18 THE CHAIR: Crown-Indigenous Relations and
19 Northern Affairs Canada, Spencer Dewar.

20 MR. DEWAR: Qujannamiik, Madam Chair.
21 Spencer Dewar, Crown-Indigenous Relations and Northern
22 Affairs Canada. Thank you, Karen, for your question.

23 The Government of Canada recognizes it's
24 important -- it's important for participation in -- in
25 community program monitoring. So we certainly know
26 that there's a need out there, and we recognize the

1 importance of the work. We did touch on the fact that
2 the Government of Canada does have monitoring programs
3 that are available. We do have a participant funding
4 program that, you know, funds participations in --
5 in -- in the impact assessment process.

6 So we certainly see the value, and we're certainly
7 willing to -- to look at ways to ensure that HTOs and
8 communities are engaged in the process. So, therefore,
9 while I don't have specifics at the tip of my
10 fingers -- of my fingertips, I can commit to looking to
11 see what funding is available and provide that to the
12 NIRB or each of the organizations directly so that we
13 can look for ways to continue monitoring and
14 participation. I hope that answers your question.
15 Qujannamiik.

16 THE CHAIR: NIRB staff.

17 MS. COSTELLO: Thank you, Madam Chair. Karen
18 Costello for the Nunavut Impact Review Board.

19 Yeah, somewhat. I think what the Board has heard
20 is about programs. Government of Canada programs are
21 usually for a defined period. What I'm asking about is
22 sustainable funding to support ongoing participation
23 recognizing that this is different from the northern
24 participant funding program which parties can avail to
25 participate in Nunavut Impact Review Board processes.

26 So if -- if CIRNAC is saying that it acknowledges

1 the role for community-based monitoring -- and this is
2 Inuit groups. These are HTOs which are defined under
3 the Nunavut Agreement. So I'm just looking for -- and
4 if the answer is that you can't give it, then please
5 say that, but it would be useful for the Board if we're
6 talking about a term and condition should the project
7 be approved for a terrestrial advisory group. In order
8 for it to function, parties need to be able to
9 participate, and they need to have the financial
10 support to participate. Who is going to provide
11 regular sustainable funding for the parties to
12 participate? Thank you, Madam Chair.

13 THE CHAIR: Crown-Indigenous Relations and
14 Northern Affairs Canada, Spencer Dewar.

15 MR. DEWAR: Ujannamiik, Madam Chair.
16 Spencer Dewar, Crown-Indigenous Relations and Northern
17 Affairs Canada. Thank you, Karen.

18 You know, if we're seeking long-term funding for
19 hunters and trappers organizations, I would go back to
20 what Bert Dean had mentioned from NTI. There's a
21 contract renewal that occurs for every ten-year period.
22 My understanding is they're going to be entering into
23 negotiations through the Nunavut Implementation Panel
24 shortly, and that is probably the most -- that's the --
25 the key venue to discuss the long-term funding for
26 HTOs.

1 I would indicate that most of the Government of
2 Canada's funding is program based, and it -- you know,
3 it does provide opportunities for, you know,
4 community-based organizations and HTOs to apply for
5 specific purposes. So I think we have to look at it
6 from two -- two approaches. One, the long-term funding
7 of hunters and trappers organizations, and the other
8 would be program funding that would be available to
9 achieve participation.

10 Unfortunately, there's not much more I can answer
11 at this time. Qujannamiik, Madam Chair.

12 THE CHAIR: NIRB staff.

13 MS. COSTELLO: Thank you, Madam Chair. Karen
14 Costello for the Nunavut Impact Review Board.

15 I have nothing further for CIRNAC. Thank you.

16 THE CHAIR: Are there any questions from
17 the Board? Allen.

18 Nunavut Impact Review Board Questions Department of
19 Fisheries and Oceans Canada

20 MR. MAGHAGAK: Thank you, Madam Chair. Allen
21 Maghagak, Board member for Impact Review Board.

22 Can I get a clarification from Fisheries and
23 Oceans. As a -- as the proposed water release that is
24 being looked at, released into the Melvin Bay -- and
25 I'll just go back to some of the earlier figures. From
26 800 to 1,600 square per day will be increased to 6,000,

1 12,000 cubic metres per day, and even up to 20,000 metres
2 per day will be released into Melvin Bay.

3 I would like to ask Fisheries and Oceans who
4 are -- at times you wear your regulatory hat to monitor
5 some of these releases that are going into the marine
6 environment. Can I ask representatives: As a
7 regulatory agency, what procedures would you have if
8 you find that -- that release of the saline into the --
9 effluent into the oceans for some unknown reason is --
10 is affecting sea mammals and fish?

11 I'd like to ask DFO if they have a process in
12 place to temporarily ask for a review of where the
13 problem is if some of the sea mammals and/or fish are
14 being affected in the diffuser area.

15 THE CHAIR: Fisheries and Oceans Canada,
16 Edyta Ratajczyk.

17 MS. RATAJCZYK: Edyta Ratajczyk, Fisheries and
18 Oceans Canada. Thank you, Madam Chair.

19 With the release of those saline effluent into the
20 marine environment, DFO's mandate would come into --
21 would come into consideration when sediment would start
22 getting impacted as well as the habitat that these fish
23 and marine animals are occupying.

24 In terms of the volume in the surrounding area and
25 the discharge, we don't see a major impact. At this
26 current moment, we are still in the process of

1 reviewing the request for review that was submitted by
2 Agnico Eagle Mines. With the -- with the expelling of
3 saline effluent, that would fall under water quality
4 more, and I would direct that to Environment and
5 Climate Change Canada. Fisheries and Oceans Canada,
6 especially the fish and fish habitat protection
7 program, we mainly deal with destruction of habitat as
8 well as fish.

9 In the event that fish and marine mammals were to
10 be affected by this effluent in terms of death or not
11 coming back into the area but mainly the death and
12 destruction of fish and fish habitat, Agnico Eagle
13 Mines has a duty to notify Fisheries and Oceans Canada
14 that at that moment we would go and inspect the
15 surrounding area. I hope this answers your question.
16 Thank you.

17 THE CHAIR: NIRB Board. Allen.
18 Nunavut Impact Review Board Questions Crown-Indigenous
19 and Northern Affairs Canada

20 MR. MAGHAGAK: Allen Maghagak, Board member
21 for Impact Review Board.

22 I'll ask Crown-Indigenous Affairs Canada -- and
23 Northern Affairs Canada, sorry, the same question but
24 in -- on -- on the question of trucking. From 20 to
25 40 trucks a day, an increase to 150 to 300 trucks a
26 day, if it starts to affect animals that are on the

1 land, specifically the caribou in the Kivalliq region,
2 what is the process that you would take as a regulator?
3 I'm asking you as a regulator, not as an intervenor for
4 this file. If I can get some -- some -- at least
5 answers. What kind of response would you take if you
6 see that the increase in trucking is starting to affect
7 the caribou migration into the Kivalliq as a regulator?

8 THE CHAIR: Crown-Indigenous Relations and
9 Northern Affairs Canada, Spencer Dewar.

10 MR. DEWAR: Qujannamiik, Madam Chair.
11 Spencer Dewar, Crown-Indigenous Relations and Northern
12 Affairs Canada.

13 As a regulator, our job would be to enforce the
14 project certificate and other authorizations. So our
15 inspection unit and our impact assessment unit would be
16 looking for the provisions of the project certificate
17 and ensuring that those were -- that the -- Agnico
18 Eagle was in compliance with those.

19 So that's -- that's -- that's sort of our
20 regulatory role there. So we'd look to the Board to
21 sort of set throughout the project certificate terms
22 and conditions which we would enforce.

23 THE CHAIR: Any more questions from the
24 Board? No.

25 Nunavut Impact Review Board Questions Environment and
26 Climate Change Canada

1 THE CHAIR: I just have a question for
2 Environment and Climate Change Canada. I asked
3 Environment and Climate Change Canada and Fisheries and
4 Oceans Canada to share any -- pass any -- if there are
5 existing monitoring programs that we could learn from
6 where this type of activity may be taking place.

7 So can Environment Canada share -- and this
8 relates to some of the community concerns that have
9 been raised about the quality of the saline
10 water and -- the quality and the quantity of the saline
11 water that's supposed to be discharged. Are there any
12 existing activities that Environment and Climate Change
13 Canada is aware of that we can learn from to address
14 the community concerns about the quality -- the quality
15 of water affecting the surrounding environment?
16 Victoria Shore.

17 MS. SHORE: Victoria Shore, Environment
18 and Climate Change Canada.

19 We are not currently aware of any similar programs
20 in place at the moment. The Metal and Diamond Mining
21 Effluent Regulation reports on marine results on
22 similar facilities across Canada, and, as I mentioned
23 previously, we are also open to participating in
24 discussions and sharing any relevant expertise that we
25 possess in order to help shape such a program. Thank
26 you, Madam Chair.

1 THE CHAIR: Thank you for your
2 presentations.

3 Before we move on to the next presenter, we're
4 going to take a 15-minute break.

5 (ADJOURNMENT)

6 THE CHAIR: Welcome back, everyone.

7 It's my understanding that there are some deferred
8 responses before we go to the next presenter.

9 NIRB legal counsel.

10 MS. MEADOWS: Thank you, Madam Chair.

11 Teresa Meadows, legal counsel for the Nunavut Impact
12 Review Board.

13 So, Madam Chair, there were some responses that
14 were deferred from yesterday and this morning. The
15 first one is a deferred response from Agnico Eagle to
16 the Nunavut Impact Review Board's staff with respect to
17 the question of trends in terms of the number of
18 vehicles on the road year over year since operations
19 started. Thank you, Madam Chair.

20 THE CHAIR: Agnico Eagle, Jamie Quesnel.
21 Deferred Response by Agnico Eagle Mines Limited to
22 Nunavut Impact Review Board Staff Question

23 MR. QUESNEL: Jamie Quesnel, Agnico Eagle.
24 Thank you, Madam Chair.

25 The information is in our annual reports,
26 Appendix J in 2018 and 2019 and Appendix 32 in 2020.

1 However, the traffic -- total traffic since 2018 is in
2 a downward trend. So total traffic during construction
3 in 2018 was 22,926; 2019, 20,777; and 2020 is 17,422.
4 And that's traffic both ways, to the mine site and
5 back. So it's the same vehicle going up to the mine
6 site; the same vehicle coming back. That would be
7 counted as two. Hopefully that helps. Thank you.

8 THE CHAIR: NIRB staff.

9 MS. COSTELLO: Thank you, Madam Chair.

10 Thank you for that response. We're satisfied.
11 Thank you.

12 THE CHAIR: NIRB legal counsel.

13 MS. MEADOWS: Thank you, Madam Chair.

14 Teresa Meadows, legal counsel for the Nunavut Impact
15 Review Board.

16 Madam Chair, the next two deferred responses are
17 to the Government of Nunavut. The first one is with
18 respect to the statement that the Government of Nunavut
19 gave that their intervention is based on legislative
20 responsibilities and a request that the Government of
21 Nunavut clarify where in the Government of Nunavut's
22 intervention and responses the perspectives of
23 communities are considered and incorporated, and the
24 question was asked by the Kivalliq Wildlife Board.

25 THE CHAIR: Government of Nunavut, Gabriel
26 Karlik.

1 Deferred Response by Government of Nunavut to Kivalliq
2 Wildlife Board Question

3 MR. KARLIK: Government of Nunavut, Gabriel
4 Karlik.

5 For the question how does the GN incorporate
6 public feedback, the NIRB is facilitating this
7 assessment, and in incorporating feedback, it hears
8 from all parties. We are a participant in this process
9 and provide the best information possible, much like
10 all other participants.

11 We try to identify mitigation solutions
12 collaboratively with all participants. We also value
13 proponent commitments and terms and while ensuring
14 incorporating a public input and IQ through project
15 life span. In the case of this -- in the case of this
16 proposal, the Government of Nunavut sees the creation
17 of the terrestrial advisory group as a means to ensure
18 that local IQ is incorporated into the design and
19 implementation of the terrestrial monitoring programs.
20 Thank you.

21 THE CHAIR: NIRB legal counsel.

22 MS. MEADOWS: Thank you, Madam Chair.

23 Teresa Meadows, legal counsel for the Nunavut Impact
24 Review Board.

25 The second question to the Government of Nunavut
26 that was deferred is from the Nunavut Impact Review

1 Board staff, and it was a question with respect to
2 clarification as to whether the Government of Nunavut
3 will confirm whether permits are required for those
4 parts of the pipeline crossing Commissioner's lands.
5 Thank you, Madam Chair.

6 THE CHAIR: Gabriel Karlik, Government of
7 Nunavut.

8 Deferred Response by Government of Nunavut to Nunavut
9 Impact Review Board Staff Question

10 MR. KARLIK: Thank you, Madam Chair.
11 Gabriel Karlik, Government of Nunavut.

12 We are not an approval authority as the Government
13 of Nunavut conceptualizes the idea, which is in our
14 view the role of the responsible minister held by
15 CIRNAC.

16 We are a regulatory agency, a body responsible for
17 issuing licences, permits, or other authorizations
18 required by law for the project to proceed. It is the
19 proponent's responsibility to apply for any relevant
20 authorizations.

21 The process here is that the proponent requires a
22 development permit from the municipality. The
23 municipality who are responsible for enforcing the
24 zoning bylaw may also determine whether a rezoning is
25 required. Thank you.

26 THE CHAIR: NIRB legal counsel.

1 MS. MEADOWS: Thank you, Madam Chair.

2 Teresa Meadows, legal counsel for the Nunavut Impact
3 Review Board.

4 Madam Chair, with respect to the final deferred
5 response that we have on our records, Fisheries and
6 Oceans Canada has asked to defer that response until
7 tomorrow, and so we will not ask them the question
8 right now, but I will remind them that the question was
9 from the Kivalliq Wildlife Board, and it was in respect
10 of the attraction of arctic char to the saline effluent
11 discharge area and potentially the mixing zone.

12 And the question was whether the department of
13 Fisheries and Oceans Canada has modelling with respect
14 to potential impacts to char within the discharge area
15 and the mixing zone. Thank you, Madam Chair. Those
16 are the deferred questions.

17 THE CHAIR: On to the next presenter.

18 NIRB staff.

19 MS. COSTELLO: Thank you, Madam Chair. Karen
20 Costello for the NIRB staff.

21 I'd just like to seek some clarification from the
22 Government of Nunavut with regard to their response to
23 that final question, if I could, Madam Chair.

24 THE CHAIR: Yes. You may proceed.

25 Nunavut Impact Review Board Staff Questions Government
26 of Nunavut

1 MS. COSTELLO: Thank you very much.

2 The NIRB appreciates the Government of Nunavut
3 clarifying that it does not see itself as a responsible
4 authority in the context of receiving the NIRB's -- the
5 Board's recommendation, but the question was: Can the
6 Government of Nunavut confirm that they would need to
7 issue permits for the part of the waterline that
8 crosses Commissioner's land? Thank you, Madam Chair.

9 THE CHAIR: Government of Nunavut, Gabriel
10 Karlik.

11 Government of Nunavut, Gabriel Karlik, do you need
12 to defer your response?

13 MR. KARLIK: Government of Nunavut, Gabriel
14 Karlik. Sorry for the delay. I'm just -- the data is
15 a little slow right now. It's loading.

16 The Government of Nunavut would issue a letter of
17 authorization for the portion of the pipeline that is
18 within the municipal boundaries but with -- but not
19 within the boundaries of one of their existing land
20 leases. This section of pipe is depicted in green.
21 The letter would allow nonexisting use of --
22 nonexclusive use of the land. The hamlet and AEM are
23 in preliminary talks regarding the pipeline, and the GN
24 has not seen the application yet.

25 The other pipeline portion of the boundaries that
26 are existing land use will have conditions amendment to

1 allow for the pipeline. Thank you.

2 THE CHAIR: NIRB staff.

3 MS. COSTELLO: Thank you very much, Madam
4 Chair. Karen Costello for NIRB staff.

5 I appreciate that clarification, Government of
6 Nunavut. I think that's what we were looking for.
7 Thank you.

8 THE CHAIR: I will now ask that our legal
9 counsel swear or affirm the next group of presenters
10 and mark the exhibits so that we can begin with the
11 presentations from Health Canada.

12 NIRB legal counsel.
13 Procedural Direction by Nunavut Impact Review Board
14 Legal Counsel

15 MS. MEADOWS: Thank you, Madam Chair.
16 Teresa Meadows, legal counsel for the Nunavut Impact
17 Review Board.

18 So, Madam Chair, for Health Canada, I have two
19 presentations that will be marked as the next exhibits
20 in this public hearing, one in English and one in
21 Inuktitut.

22 EXHIBIT 15 - Electronic Copy PowerPoint
23 Presentation, Saline Effluent Discharge to
24 the Marine Environment Project, Health
25 Canada's Final Hearing Presentation
26 (English/Inuktitut)

1 MS. MEADOWS: And when we return back to the
2 potential witnesses for Health Canada, I ask that you
3 state and spell your name for the record, that you then
4 state your name again, and your affirmation. So I will
5 administer the oath first, and then when we return,
6 your -- please follow through with respect to the
7 affirmation.

8 JOEL KAUSHANSKY, CHRISTINE LEVICKI, PAUL PARTRIDGE,
9 Affirmed

10 THE CHAIR: Health Canada, Joel
11 Kaushansky.

12 Presentation by Health Canada (Saline Effluent
13 Discharge to the Marine Environment Project)

14 MR. KAUSHANSKY: Thank you, Madam Chair.

15 Madam Chair, members of the Board, Elders,
16 residents in the audience, and all other hearing
17 participants, on behalf of Health Canada, thank you for
18 the opportunity to take part in this hearing. My name
19 is Joel Kaushansky, and I am an environmental
20 assessment specialist for Health Canada. Next slide,
21 please.

22 This presentation provides a summary of Health
23 Canada's mandate in environmental assessment, a brief
24 description of our review, and the comments and
25 recommendations that Health Canada submitted in our
26 final written submission.

1 This presentation also discusses Agnico Eagle
2 Mining's response to Health Canada's final written
3 submission and their efforts to address areas of
4 uncertainty in the human health risk assessment.

5 We will also discuss how the supplementary
6 information and commitments provided by AEM have
7 satisfied the recommendations in Health Canada's final
8 written submission. Next slide, please.

9 Health Canada is responsible for helping Canadians
10 maintain and improve their health. During
11 environmental assessments, Health Canada provides
12 expert information and knowledge to the Nunavut Impact
13 Review Board about the potential impacts of a project
14 on human health and also makes recommendations to
15 reduce uncertainty in the assessment.

16 In general, Health Canada provides comments on
17 whether the conclusions about potential human health
18 effects are accurate, scientifically valid, and
19 complete, and whether the proposed mitigation and
20 monitoring programs to help reduce potential risks to
21 human health are appropriate. Next slide, please.

22 Health Canada reviewed documentation related to
23 human health during the environmental assessment of
24 this project. In particular, Health Canada focused on
25 the human health risk assessment related to country --
26 the country food exposure pathway.

1 Country or traditional foods include any food that
2 is trapped, fished, hunted, harvested, or grown for
3 subsistence or medicinal purposes outside of the
4 commercial food chain.

5 Health Canada's final written submission for this
6 project and this presentation focused on the country
7 foods. Health Canada did not identify concerns related
8 to air quality, noise, and drinking and recreational
9 water quality. Next slide, please.

10 Health Canada's review of this project was limited
11 by the following factors: First, Health Canada does
12 not review or confirm modelling, and we assume the
13 modelling results are correct. Second, Health Canada
14 is not a decision-maker or regulator of this project.
15 The department does not issue any licences, permits, or
16 authorizations for this project. Finally, Health
17 Canada does not offer comments on occupational health
18 or socioeconomic impacts for this project. Next slide,
19 please.

20 A human health risk assessment, or HHRA for short,
21 is a tool used to predict potential risks to human
22 health from changes to the environment as a result of
23 project activities.

24 The proponent submitted a human health risk
25 assessment during the technical review in January 2021
26 at the request of Health Canada. The human health risk

1 assessment was completed to identify potential risks
2 that the saline effluent discharge could pose to
3 country foods in Melvin Bay. Next slide, please.

4 The proponent's human health risk assessment
5 concluded that there are negligible risks to human
6 health because, first, they describe that there's no
7 harvesting of country foods, for example, mussels and
8 other shellfish near the project area.

9 No harvesting would mean that there would be no
10 human exposure to contaminants of potential concern
11 from the saline effluent, and, second, they concluded
12 that there would be no contaminants of potential
13 concern in the saline effluent based on the streaming
14 results. Next slide, please.

15 Health Canada provided comments on the uncertainty
16 of the human health risk assessment as part of our
17 final written submission to the Nunavut Impact Review
18 Board. Health Canada highlighted that the human health
19 risk assessment concluded that no harvesting activities
20 are occurring in Melvin Bay, Itivia Harbour, and in the
21 area near the effluent discharge site. But this seemed
22 to be based on older information.

23 The risk assessment also seemed to contradict the
24 perspectives of the Kivalliq Wildlife Board and local
25 community members who expressed different views on
26 harvesting activities in the Melvin Bay area from those

1 assumed in the human health risk assessment.

2 This conflicting information between the human
3 health risk assessment and views of local stakeholders
4 was identified in Health Canada's final written
5 submission as a source of potential uncertainty in the
6 proponent's assessment and conclusions. Next slide,
7 please.

8 To address the conflicting information about local
9 harvesting activities, Health Canada recommended in our
10 final written submission that the Nunavut Impact Review
11 Board ask the proponent to confirm whether country food
12 harvesting occurs in the Melvin Bay area, Itivia
13 Harbour, and in the area near the saline effluent
14 discharge. Next slide, please.

15 After submitting Health Canada's final written
16 submission, representatives of Health Canada and the
17 proponent met several times in April and May 2021 to
18 clarify the country food harvesting issue.

19 The proponent provided supplementary information,
20 and Health Canada now considers recommendation HC-TRC
21 Number 1.1 as resolved. Specifically, the proponent
22 has addressed the comments brought forward during
23 technical review.

24 Additional evidence related to country food
25 harvesting activities in the specific areas has been
26 provided. The proponent held consultation meetings

1 with representatives of the Kivalliq Wildlife Board and
2 Rankin Inlet community Elders in April 2021 and
3 confirmed the locations where people may collect
4 shellfish and muscles.

5 These harvesting locations are approximately
6 2 kilometres northwest and 4 kilometres southeast of
7 the discharge area. According to the proponent,
8 modelling studies predict that water quality in the
9 areas where the shellfish and muscles are harvested
10 will not change from current levels due to the project.

11 The proponent has also addressed comments by
12 showing plans to verify the conclusion from the water
13 quality modelling and the human health risk assessment.
14 Specifically, the proponent identified two monitoring
15 programs going forward.

16 The first will monitor the water quality of the
17 discharge and receiving environment under the existing
18 ocean discharge monitoring plan. The second is a
19 community-based country foods monitoring program that
20 will be created in collaboration with the Kivalliq
21 Wildlife Board with input from community members to
22 identify geographic areas and marine species to
23 monitor.

24 The additional evidence provided by the proponent
25 has clarified the location of harvesting activities and
26 reduced the uncertainty in assessing potential risks to

1 human health. Again, Health Canada considers the
2 country foods harvesting issue as resolved. Next
3 slide, please.

4 The human health risk assessment also used methods
5 to identify contaminants of potential concern that were
6 not consistent with Health Canada's guidance and
7 represented a potential source of uncertainty.
8 Specifically the environmental guidelines used to
9 screen and identify the contaminants of potential --

10 THE CHAIR: Mr. Kaushansky, can you please
11 pause. There's an issue with the phone line and Zoom
12 feed. So if you can just please hold.

13 MR. KAUSHANSKY: Thank you.

14 MS. COSTELLO: Madam Chair.

15 THE CHAIR: NIRB staff.

16 MS. COSTELLO: Thank you, Madam Chair. Karen
17 Costello for the NIRB staff.

18 We just got message that the teleconference line
19 and Zoom feed might've been rocky for the last couple
20 of minutes. So the speaker may have to go back one
21 slide, and we're just waiting for the technicians to
22 confirm that the -- both the online feed and the phone
23 lines are back in operation. So if we could just have
24 everyone's patience for a few minutes while they work
25 their magic behind the curtain. Thank you, Madam
26 Chair.

1 Madam Chair, apparently the magic works really
2 fast because I finished my statement and got the thumbs
3 up. So we're back live.

4 THE CHAIR: Health Canada, Joel
5 Kaushansky, you may proceed with your presentation.

6 We're not getting any audio. We can't hear you.

7 MR. KAUSHANSKY: Madam Chair, can you hear me?

8 THE CHAIR: Yes. You may proceed.

9 MR. KAUSHANSKY: Thank you, Madam Chair.

10 Could you please identify at what point the
11 connection cut out so that I may repeat the necessary
12 information? Thank you.

13 THE CHAIR: NIRB staff.

14 MS. COSTELLO: Thank you, Madam Chair.

15 I would suggest the speaker go back to slide -- go
16 back to Slide 10 and just speak to the content there.
17 Thank you, Madam Chair.

18 THE CHAIR: Health Canada, Joel
19 Kaushansky.

20 MR. KAUSHANSKY: Thank you, Madam Chair. Joel
21 Kaushansky. I will start again at the beginning of
22 Slide 10.

23 After submitting Health Canada's final written
24 submission, representatives of Health Canada and the
25 proponent met several times in April and May 2021 to
26 clarify the country food harvesting issue.

1 The proponent provided supplementary information,
2 and Health Canada now considers recommendation HC-TRC
3 Number 1.1 as resolved. Specifically, the proponent
4 has addressed the comments brought forward during the
5 technical review. Additional evidence related to
6 country food harvesting activities in the specific
7 areas has been provided.

8 The proponent held consultation meetings with
9 representatives of the Kivalliq Wildlife Board and
10 Rankin Inlet community Elders in April 2021 and
11 confirmed the locations where people may collect
12 shellfish and muscles.

13 These harvesting locations are approximately
14 2 kilometres northwest and 4 kilometres southeast of
15 the discharged area. According to the proponent,
16 modelling studies predict that the water quality in the
17 areas where the shellfish and muscles are harvested
18 will not change from current levels due to the project.

19 The proponent has also addressed comments by
20 showing plans to verify the conclusion from the water
21 quality modelling and the human health risk assessment.

22 Specifically, the proponent identify two
23 monitoring programs going forward. The first will
24 monitor the water quality of the discharge and
25 receiving environment under the existing ocean
26 discharge monitoring plan. The second is a

1 community-based country foods monitoring program that
2 will be created in collaboration with the Kivalliq
3 Wildlife Board with input from community members to
4 identify geographic areas and marine species to
5 monitor.

6 The additional evidence provided by the proponent
7 has clarified the location of harvesting activities and
8 reduced the uncertainty in assessing potential risks to
9 human health. Again, Health Canada considers the
10 country foods harvesting issue as resolved. Next
11 slide, please.

12 The human health risk assessment also used methods
13 to identify contaminants of potential concern that were
14 not consistent with Health Canada's guidance and
15 represented a potential source of uncertainty.
16 Specifically, the environmental guidelines used to
17 screen and identify the contaminants of potential
18 concern are protective of aquatic life, not necessarily
19 human health. Next slide, please.

20 Health Canada acknowledges that there are no human
21 health-based guidelines for the screening and
22 identification of contaminants for the country food
23 exposure pathway.

24 The method used does not fully support the
25 assessment conclusion that there are no contaminants of
26 potential concern within the saline effluent discharge.

1 This may underestimate potential health risks if there
2 is human exposure to the contaminants of potential
3 concern from the saline effluent discharge via country
4 foods. Next slide, please.

5 To reduce this uncertainty around contaminants of
6 potential concern, Health Canada recommended in our
7 final written submission that the Nunavut Impact Review
8 Board ask the proponent to consider management,
9 mitigation, and monitoring activities if harvesting
10 does occur near the project area. Next slide, please.

11 After submitting Health Canada's final written
12 submission, representatives of Health Canada and the
13 proponent met several times in April and May 2021 to
14 clarify the contaminants of potential concern issue.

15 The proponent has now provided supplementary
16 information, and Health Canada considers Recommendation
17 HC-TRC Number 1.2 as resolved.

18 The proponent has addressed the issue with
19 additional evidence related to the harvesting of
20 country foods in Melvin Bay, Itivia Harbour and in the
21 area near the effluent discharge site. Specifically,
22 the proponent held consultation meetings with
23 representatives of the Kivalliq Wildlife Board and
24 Rankin Inlet community Elders in April 2021 and
25 confirmed the locations where people may collect
26 shellfish and mussels.

1 Based on the confirmation that harvesting occurs
2 in Melvin Bay, Agnico Eagle confirmed that the
3 environmental quality guidelines used in the assessment
4 to identify contaminants of potential concern are
5 protective of aquatic life.

6 They provided more information about the
7 characterization of the contaminants of potential
8 concern in the saline effluent at the edge of the
9 mixing zone, and how it compared to current water
10 quality conditions in Melvin Bay.

11 They provided information about its plans to
12 monitor the water quality of the discharge area and the
13 receiving environment in accordance with the existing
14 ocean discharge monitoring plan.

15 And, finally, they provided information about the
16 development of a community-based country foods
17 monitoring program in collaboration with the Kivalliq
18 Wildlife Board, which will be created with input from
19 community members to identify geographic areas and
20 marine species to monitor.

21 The evidence provided has reduced the uncertainty
22 regarding the water quality screening guidelines used
23 in the proponent's human health risk assessment, and
24 their plans for monitoring the water quality and
25 country foods during the project's operation. Again,
26 Health Canada considers the identification of

1 contaminants of potential concern issue as resolved.

2 Next slide, please.

3 In summary, Health Canada considers the issues
4 raised during the environmental assessment process to
5 be resolved.

6 This concludes Health Canada's presentation.

7 Thank you for your time. I would also like to
8 acknowledge and thank the translators for their
9 services.

10 Thank you, Madam Chair.

11 THE CHAIR: Before we move on to questions
12 from registered intervenors, the proponent, and the
13 Board, NIRB legal counsel?

14 Procedural Direction by Nunavut Impact Review Board
15 Legal Counsel

16 MS. MEADOWS: Thank you, Madam Chair.

17 Teresa Meadows, legal counsel for the Nunavut Impact
18 Review Board.

19 Madam Chair, it has been brought to my attention
20 that the hard copy presentation materials that are
21 available in the -- in Rankin Inlet and the materials
22 previously filed with the Nunavut Impact Review Board
23 differ slightly on some of the slides from the material
24 that was presented by Mr. Kaushansky just now, and so
25 we would request that an electronic copy of the
26 presentation as presented be filed with the Board as

1 well with respect to an exhibit for this particular
2 intervenor.

3 I'm not sure which slides differ, but it is -- it
4 has been noted by the -- by the people in the room in
5 Rankin Inlet that the hard copies are different than
6 the presentation that was just projected.

7 Thank you, Madam Chair.

8 THE CHAIR: Health Canada, Joel
9 Kaushansky.

10 MR. KAUSHANSKY: Thank you, Madam Chair.

11 The discrepancy, I believe, may have been due to
12 the fact that an initial version was submitted in
13 April -- in early April, and then with our
14 conversations with the proponent in April/May 2021, we
15 were able to resolve our outstanding issues.

16 We then added to those slides the asterisks at the
17 bottom saying resolved -- I think it was May 18,
18 2021 -- and then the addition of the bilingual views
19 was added most recently I think at the end of May. So
20 just to clarify --

21 THE CHAIR: Mr. Kaushansky, can you agree
22 that you will submit a new version of your presentation
23 as requested by legal counsel?

24 MR. KAUSHANSKY: Thank you, Madam Chair.

25 Yes, I can.

26 THE CHAIR: Thank you.

1 Okay. Moving on to questions to Health Canada.
2 NIRB staff.

3 MS. COSTELLO: Thank you, Madam Chair. I
4 believe legal counsel is standing by to swear in
5 Transport Canada so they could give their presentation.

6 THE CHAIR: Legal counsel? NIRB legal
7 counsel?

8 MS. MEADOWS: Thank you, Madam Chair.
9 Teresa Meadows, legal counsel for the Nunavut Impact
10 Review Board.

11 So, Madam Chair, there are a couple of procedural
12 matters. We had -- as you'll recall, we had
13 recommended that we -- that we group Health Canada and
14 Transport Canada together, so we would have Transport
15 Canada do their presentation and then have a round of
16 questioning following the completion of Transport
17 Canada's presentation as well.

18 In addition, Madam Chair, however, there is also a
19 recommendation that Natural Resources Canada, although
20 they are not doing a presentation, that there be an
21 opportunity to question Natural Resources Canada as
22 well, and so I would recommend that I will do the
23 affirmation for both Transport Canada and Natural
24 Resources Canada at this time.

25 So, if I can, I will state the oath and then if
26 the people who would be answering questions on behalf

1 of Natural Resources Canada can state and spell their
2 name for the record and affirm, and then we will go to
3 Transport Canada to be able to state and spell their
4 name for the record and also affirm.

5 MAXIMILIEN GENEST, SCOTT KIDD, ADAM DOWNING, Affirmed
6 MS. MEADOWS: And those are my procedural
7 matters, Madam Chair.

8 THE CHAIR: Just for the awareness of
9 participants, it's just about 5:00, so we'll finish
10 Transport Canada's presentation first, and then we'll
11 go to questions tomorrow. So we might go just -- well,
12 we'll go just past 5:00.

13 Transport Canada, Scott Kidd.
14 Presentation by Transport Canada, (Transport Canada,
15 Final Hearing Presentation Agnico Eagle Mines Limited's
16 "Saline Effluent Discharge to Marine Environment"
17 Project)

18 MR. KIDD: Good afternoon.
19 Good afternoon, Board Chair and members, Elders,
20 hearing participants, community members, and Board
21 staff.

22 My name is Scott Kidd. I'm a regional
23 environmental advisor with Transport Canada's prairie
24 and northern region.

25 Due to the current travel restrictions, I am
26 presenting to you remotely from Winnipeg. Next slide,

1 please. One more, please.

2 My presentation today will provide an overview of
3 Transport Canada's mandate and legislation related to
4 Agnico Eagle's saline effluent discharge project
5 proposal. Translated slide, please.

6 I will also speak -- I will also speak to the
7 three technical review comments made by Transport
8 Canada during the environmental review process, all of
9 which have now been resolved.

10 Transport Canada is responsible for transportation
11 policies and programs. Translated slide, please.

12 Transport Canada promotes an integrated
13 transportation system that is safe, secure, efficient,
14 and environmentally sustainable. It does this by
15 regulating associated transportation infrastructure,
16 equipment, and personnel, as well as carrying out
17 oversight, monitoring, and enforcement activities.
18 Next slide, please.

19 While Transport Canada is responsible for many
20 laws that must be followed during the operation of the
21 Meliadine Mine itself, the only approval required for
22 Agnico Eagle's saline effluent discharge to marine
23 environment project is under the Canadian Navigable
24 Waters Act. The main purpose of the Canadian Navigable
25 Waters Act is to regulate works like the new diffuser
26 in Melvin Bay and obstructions that risk interfering

1 with navigation in Canada's navigable waters. The Act
2 provides protections to all navigable waters in Canada,
3 big or small. Translated slide, please.

4 You're going to hear the word "navigable" a lot,
5 so I will take a moment to define it. A navigable
6 water is a body of water, including a canal, that is
7 used -- or there is a reasonable chance that it will be
8 used by vessels for any part of the year as a means of
9 transport or travel for commercial or recreational
10 purposes or as a means of transport or travel for
11 Indigenous peoples of Canada exercising rights
12 recognized and affirmed by Section 35 of the
13 constitution.

14 For a water body to be a navigable water, there
15 must also be public access by land or water, or, if
16 there is no such public access, two or more riparian
17 owners or --

18 (INTERPRETER BELL)

19 THE CHAIR: Please slow down for the
20 interpreter or pause between sentences.

21 MR. KIDD: Thank you.

22 ... or Her Majesty in Right of Canada or a
23 province is the only riparian owner.

24 Riparian means -- or is defined as basically land
25 (AUDIO FEED LOST), and a vessel can be anything from a
26 large containership to a canoe or kayak. Next slide,

1 please.

2 As Melvin Bay is part of the Arctic ocean, it
3 is (AUDIO FEED LOST) the Canadian Navigable Waters Act
4 list of scheduled navigable waters. The list of
5 scheduled navigable waters includes the busiest
6 waterways in Canada. These are navigable waters that
7 support busy commercial, traditional use, or recreation
8 related navigation. They are accessible by ports and
9 marinas and are often close to heavily populated areas.
10 These waterways receive extra oversight due to their
11 vulnerability to significant impacts on navigation from
12 developments. Translated slide please.

13 Because Melvin Bay is a scheduled navigable water,
14 Agnico Eagle must obtain an approval under the Canadian
15 Navigable Waters Act prior to the construction and
16 installation of the new diffuser and the part of the
17 discharge pipeline that will be in Melvin Bay.

18 Transport Canada's experience with the approval of
19 the existing discharge pipeline and diffuser indicates
20 that impacts to navigation from the new diffuser can be
21 mitigated.

22 Mitigation measures for the existing diffuser
23 include no anchorage signs within the area, a buoy
24 marking the location of the diffuser, and the removal
25 of the diffuser after it is no longer needed. Next
26 slide, please.

1 The twinned waterlines from the mine site to the
2 diffuser in Melvin Bay will cross various waterways,
3 including the Meliadine River. None of these waterways
4 are listed on the schedule of navigable waters;
5 however, some of these waterways may still be
6 navigable.

7 Agnico Eagle is required to comply with the
8 Canadian Navigable Waters Act when the waterway being
9 crossed by the waterline is navigable.

10 The Meliadine River is an example of a navigable
11 waterway that is not on the schedule. Even though an
12 approval may not be needed, there are still parts of
13 the Act that must be met. In order to determine what
14 requirements of the Act apply, Agnico Eagle will need
15 to do a self-assessment of the project components and
16 the impacted waterways. Translated slide, please.

17 If a waterway is not navigable, then no further
18 action is needed. The Act does not apply to waterways
19 that are not navigable.

20 If the waterway is navigable, Agnico Eagle
21 must determine if the way they're proposing to design
22 and construct the waterlines will cross the waterway
23 how -- sorry -- I'll start that again -- if the way
24 Agnico Eagle is proposing to design and construct how
25 the waterlines will cross the waterway meets what is
26 known as the minor works order.

1 (VIDEO FEED FREEZES)

2 THE CHAIR: Transport Canada, Scott Kidd,
3 you froze on the screen.

4 MR. KIDD: If all of the specific
5 conditions in the minor works order are followed, then
6 no further action is required by Agnico Eagle.

7 If the way the waterline crossing is being built
8 will not or cannot follow all of the conditions of the
9 minor works order and the waterway is navigable, then
10 Agnico Eagle must either apply to Transport Canada for
11 approval of that crossing or go through a public
12 resolution process.

13 The public resolution process includes providing
14 notice of the proposed work to the public. Any
15 comments or concerns raised during the public
16 resolution process must be addressed by Agnico Eagle
17 before the work begins. If an issue cannot be
18 resolved, the person who raised the comment can ask
19 Transport Canada to review the file, and Transport
20 Canada may decide to issue a Canadian Navigable Waters
21 Act approval. Next slide, please.

22 Transport Canada made three technical review
23 comments about the project. The focus of these
24 comments was to confirm that Agnico Eagle was aware of
25 the requirements of the Canadian Navigable Waters Act
26 and would follow the Act.

1 As set out in the slide, Transport Canada
2 requested that Agnico Eagle obtain an approval from
3 Transport Canada before installing the new diffuser.
4 We also asked Agnico Eagle to ensure that any crossings
5 of navigable waterways by the twinned waterlines would
6 comply with the Canadian Navigable Waters Act, and our
7 third request was that we asked Agnico Eagle to ensure
8 the attachment of the waterlines to the Meliadine River
9 bridge meets the conditions of the minor works order.
10 Translated slide, please. I'll just give people a
11 moment to read this.

12 Agnico Eagle has committed to fulfill Transport
13 Canada's three requests. As such, Transport Canada
14 considers that all of our technical comments have been
15 resolved. Next slide, please.

16 Thank you to the Nunavut Impact Review Board for
17 the opportunity to present today. This concludes my
18 presentation. Transport Canada is happy to answer
19 questions the Board, participants, and community
20 members may have. Thank you.

21 THE CHAIR: Thank you for your
22 presentation.

23 That concludes Day 2 of this public hearing.

24 Thank you all for your contributions to a
25 productive day. Tomorrow we will continue with
26 questions to the three registered intervenors before we

1 continue with other registered intervenors and their
2 presentations.

3 We'll resume the hearing tomorrow morning at 9 AM
4 Central Time.

5

6 PROCEEDINGS ADJOURNED UNTIL 9 AM, JUNE 16, 2021

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1 CERTIFICATE OF TRANSCRIPT:

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3 We, Sandra Burns and Andres Vidal, certify that
4 the foregoing pages are a complete and accurate
5 transcript of the proceedings taken down by us in
6 shorthand and transcribed from our shorthand notes to
7 the best of our skill and ability.

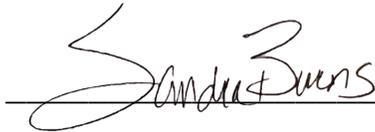
8 Dated at the City of Edmonton, Province of
9 Alberta, this 29th day of June 2021.

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14 Sandra Burns, CSR(A), RPR, CRR

15 Official Court Reporter

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21 Andres Vidal, CSR(A)

22 Official Court Reporter

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