

June 20, 2022

Kelli Gillard
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Nunavut Impact Review Board
P.O Box 1360
Cambridge Bay, NU X0B 0C0

Sent VIA Email: info@nirb.ca

RE: Comment Request for Agnico Eagle Mine's Meliadine Project 2021 Annual Report

Dear Kelli Gillard,

On behalf of the Government of Nunavut (GN), I would like to thank the Nunavut Impact Review Board (NIRB) for the opportunity to provide comments on Agnico Eagle Mine's Meliadine Project 2021 Annual Report.

The GN has reviewed the 2021 Annual Report for the “Meliadine Project” and provide our assessment in comments to follow.

Should you have any concerns with our comments, please contact me by phone at 867-975-7828 or by email at asimonfalvy@gov.nu.ca .

Qujannamiik,



Agnes Simonfalvi
Avatiliriniq Coordinator
Government of Nunavut

GN AR # 01 – ROAD MANAGEMENT AGREEMENT	
Department	Environment
Organization	Government of Nunavut
Subject/Topic	Road Management Agreement
Terms and Conditions	NIRB Project Certificate No. 006 Term and Condition # 48
References	<ul style="list-style-type: none"> • Agnico Eagle Mines (AEM) Limited. (2019). Meliadine Gold Project, Roads Management Plan, version 8; Section 10.2 • Agnico Eagle Mines (AEM) Ltd. (2021). 2020 Terrestrial Environment Management and Monitoring Plan Report (Appendix 26 of the Meliadine Gold Project 2020 Annual Report) - Meliadine Gold Project, Nunavut. • Agnico Eagle Mines (AEM) Limited. (2021). Meliadine Division 2020 Terrestrial Effects Monitoring and Mitigation Program Annual Report (Appendix 26 of the Meliadine Gold Project 2020 Annual Report). • Agnico Eagle Mines (AEM) Limited (2022) Meliadine Gold Mine 2021 Annual Report, Section 7.8 Wildlife Monitoring • Agnico Eagle Mines (AEM) Limited (2022) Terrestrial Environment Management and Monitoring Plan (TEMMP), Version 4. • Agnico Eagle Mines (AEM) Limited (2022) 2021 Terrestrial Effects Monitoring and Mitigation Program Annual Report • Comment GN-05 provided to Agnico Eagle (AEM) from Government of Nunavut on the 2019 Agnico Eagle Mines (AEM) Limited (2020a). Meliadine Division 2019 Terrestrial Effects Monitoring and Mitigation Program Annual Report • Comment GN-03 provided to Agnico Eagle (AEM) from Government of Nunavut on the 2020 Agnico Eagle Mines (AEM) Meliadine Division 2020 Terrestrial Effects Monitoring and Mitigation Program Annual Report
IDENTIFICATION OF ISSUE	
<p>NIRB Project Certificate No. 006, Term and Condition # 48 requires the development of a road management agreement and states that:</p> <p>“The Road Management Agreement shall include the following specific measures:</p> <ul style="list-style-type: none"> • ...A no-shooting zone (1 km wide) on either side of the road should be established as a condition of public access to the AWAR and compliance with this Agnico Eagle policy 	

should be monitored and reported by the Proponent.

- All incidents of hunting involving shooting along or across the AWAR should be reported by the Proponent to the GN.
- During periods when large aggregations of caribou are detected near the Project, harvest monitoring intensity should be increased to ensure that levels of caribou harvesting are properly documented.”

The reporting requirements under this Term and Condition state that:

“...monitoring results as well as any subsequent updates to the Plan, reported and discussed in the Proponent’s Annual Report to the NIRB.”

The GN notes that results from the monitoring of caribou harvesting along the AWAR are not reported in the Proponent’s 2021 Terrestrial Effects Monitoring and Mitigation Program Annual Report (AEM 2022) or elsewhere in the Project’s 2021 Annual Report (AEM 2022). The Proponent is required to (a) monitor and report compliance with the no-shooting zone policy for the AWAR, (b) have “dedicated road monitors” and (c) increase harvest monitoring along the AWAR during periods when large aggregations of caribou are present. None of this information or data is presented in the Annual Report. Therefore, compliance with Term and Condition 48 cannot be assessed by the GN.

IMPORTANCE TO REVIEW AND SUPPORTING RATIONALE

Although the required Road Management Agreement has been developed by the Proponent (AEM 2022, Section 10.2), implementation of this agreement and its effectiveness cannot be evaluated since the 2021 Annual Report and its appendices do not present or analyze any of the necessary monitoring data. The agreement itself, and Term and Condition 48 of the Project certificate, require the reporting of these data. The Annual Report should contain the following:

1. Reporting of compliance with the 1 km no-shooting zone either side of the AWAR including presentation and analysis of the monitoring data used to assess compliance with this policy.
2. A summary of incidents involving shooting across or along the AWAR, and any trends in these incidents since the AWAR entered operation.
3. Information on the number of dedicated roads monitors tasked with monitoring harvesting along the AWAR.

Evaluating whether the AWAR’s Road Management Plan is being properly implemented is an essential part of the Project’s monitoring scheme. This deficiency in the Annual Report, and non-compliance with the reporting requirements of Term and Condition 48, should be addressed.

A summary of caribou harvest activity was collected through the Hunter Harvest Study (HHS), as described in Section 13 of the 2021 Terrestrial Effects Monitoring and Mitigation Program Annual Report (AEM, 2022) and detailed in Appendix G of the TEMMP (AEM, 2022). In accordance with the TEMMP, threshold levels for the Caribou harvest are to be set after three full years of data from the HHS, which will be after data collected in 2023.

The GN appreciates the level of effort put into the HHS and looks forward to increased data gathering and participation over 2022 and 2023 seasons.

RECOMMENDATION(S)

The GN requests a response to this issue in a comprehensive manner. Accordingly, the GN recommends the following:

1. That the Proponent revise the 2021 Annual Report to include the following, in relation to Term and Condition #48 and the Road Management Agreement (AEM 2022, Section 10.2):
 - a. Reporting of compliance with the 1 km no-shooting zone either side of the AWAR including presentation and analysis of the monitoring data used to assess compliance with this policy.
 - b. A summary of incidents involving shooting across or along the AWAR, and any trends in these incidents since the AWAR entered operation.
 - c. Information on the number of dedicated road monitors tasked with monitoring harvesting along the AWAR.
 - d. Information demonstrating that caribou monitoring and caribou harvest monitoring along the AWAR was increased during periods when large aggregations of caribou (> 50 animals) were observed in the vicinity of the road (i.e., specific data on caribou group observations being linked to increased monitoring effort as required under the Road Management Agreement).
2. If harvest monitoring is taking place using other methods, it should be clearly stated that the aforementioned measures are no longer being used.

GN AR # 02 – ROADS MANAGEMENT PLAN

Department	Environment
Organization	Government of Nunavut
Subject/Topic	Roads Management Plan
Terms and Conditions	NIRB Project Certificate No. 006 Term and Condition # 54
References	<ul style="list-style-type: none"> • Agnico Eagle Mines (AEM) Limited. (2019). Meliadine Gold Project, Roads Management Plan, version 8. • Agnico Eagle Mines (AEM) Limited (2022) Meliadine Gold Mine 2021 Annual Report, Section 7.8 Wildlife Monitoring

	<ul style="list-style-type: none"> • Agnico Eagle Mines (AEM) Limited (2022) Terrestrial Environment Management and Monitoring Plan (TEMMP), Version 4. • Agnico Eagle Mines (AEM) Limited (2022) 2021 Terrestrial Effects Monitoring and Mitigation Program Annual Report
IDENTIFICATION OF ISSUE	
<p>NIRB Project Certificate No. 006, Term and Condition (TC) # 54 states that the Proponent shall ensure that road safety barriers or berms associated with Project infrastructure, all-weather access road and associated roads/trails are constructed for the safe passage of wildlife while separating public road use with Project-related mine traffic.</p> <p>While this information is presented in the Proponent's Roads Management Plan (Agnico Eagle Mines Limited-Meliadine Division March 2022), the reporting requirements are not met as they state that a summary discussion shall be provided in the Proponent's Terrestrial Environment Management and Monitoring Plan (TEMMP).</p> <p>The Proponent notes that Section 4.3 in the TEMMP refers to TC 54, however this section does not refer to any safety barriers or berms but rather discusses wildlife road surveillance monitoring.</p>	
IMPORTANCE TO REVIEW AND SUPPORTING RATIONALE	
<p>Barriers and berms are considered mitigation measures to reduce impacts on wildlife from existence of roads. Their use was proposed as part of TC # 54 to ensure Project infrastructure does not prevent or unduly limit the movement of caribou and other terrestrial wildlife. An analysis of the implementation of barriers and berms and their effects on wildlife should be included in the Annual Report in order to measure overall Project effects.</p>	
RECOMMENDATION(S)	
<p>The GN offers the following recommendations with respect to this issue:</p> <ol style="list-style-type: none"> 1. Report where road safety barriers or berms are associated with Project infrastructure, all-weather access road and associated roads/trails are used. 	

GN AR # 03 – TERRESTRIAL ENVIRONMENT MONITORING SUMMARY REPORT	
Department	Environment
Organization	Government of Nunavut
Subject/Topic	Terrestrial Environment Monitoring Summary Report

Terms and Conditions	NRIB Project Certification No. 006 Term and Condition # 55
References	<ul style="list-style-type: none"> • Agnico Eagle Mines (AEM) Limited (2022) Meliadine Gold Mine 2021 Annual Report, Section 7.8 Wildlife Monitoring • Agnico Eagle Mines (AEM) Limited (2022) Terrestrial Environment Management and Monitoring Plan (TEMMP), Version 4. Section 4.4.2, 4.12 • Agnico Eagle Mines (AEM) Limited (2022) 2021 Terrestrial Effects Monitoring and Mitigation Program Annual Report, Section 9.5
IDENTIFICATION OF ISSUE	
<p>NIRB Project Certificate No. 006, Term and Condition #55 states that the Proponent shall set thresholds for the direct mortality of wolf, grizzly bear, polar bear, wolverine, and fox. In addition, the Proponent shall reach an agreement with the appropriate Designated Inuit Organization regarding compensation or any direct mortality of wildlife resulting from the Project's activities.</p> <p>The TEMMP suggests the following thresholds for mine-related mortality</p> <p style="padding-left: 40px;">“no more than 1 caribou, 20 Arctic foxes, 1 waterfowl and 1 upland bird, per year”;</p> <p>and vehicle collisions</p> <p style="padding-left: 40px;">“no more than 1 caribou/year.”</p> <p>There are no set thresholds for wolves, grizzly bears, polar bears, or wolverines. Compensation or agreements with the appropriate Designated Inuit Organization are not discussed either.</p>	
IMPORTANCE TO REVIEW AND SUPPORTING RATIONALE	
<p>Thresholds signal when adaptive management and TEMMP refinements should take place. They guide the required wildlife monitoring and set a limit which should not be exceeded. Without clear thresholds for the mortality of wolves, grizzly bears, polar bears and wolverines no adequate adaptive management measures are set for these species. Compensation for the loss of wildlife as a result of Project activities should be included within the annual monitoring report as it is Agnico Eagle's responsibility to prevent wildlife mortality to the best of their abilities. Consultation with the Inuit communities on compensation allows local knowledge to be incorporated and for community members to assess how Agnico Eagle is doing at reducing the effects on wildlife.</p>	
RECOMMENDATION(S)	
<p>The GN offers the following recommendations with respect to this issue:</p>	

1. Thresholds for wolves, grizzly bears, polar bears, and wolverines shall be set within the Proponent's TEMMP Report with adequate adaptive management measures.
2. Discussion and consultation on the compensation of wildlife mortality resulting from the Project's activities shall be reported in the TEMMP.

GN AR # 04 – TERRESTRIAL ENVIRONMENT MONITORING SUMMARY REPORT

Department	Environment
Organization	Government of Nunavut
Subject/Topic	Terrestrial Environment Monitoring Summary Report
Terms and Conditions	NIRB Project Certificate No. 006 Term and Condition # 56
References	<ul style="list-style-type: none"> • Agnico Eagle Mines (AEM) Limited (2022) Meliadine Gold Mine 2021 Annual Report, Section 7.8 Wildlife Monitoring • Agnico Eagle Mines (AEM) Limited (2022) Terrestrial Environment Management and Monitoring Plan (TEMMP), Version 4. • Agnico Eagle Mines (AEM) Limited (2022) 2021 Terrestrial Effects Monitoring and Mitigation Program Annual Report, Sections 3, 4, 9 and 12.2

IDENTIFICATION OF ISSUE

NIRB Project Certificate No. 006, Term and Condition (TC) # 56 states that the Proponent shall report:

- a. Description of all updates to terrestrial ecosystem baseline data;
- b. A description of the involvement of Inuit in its monitoring programs;
- c. A detailed presentation and analysis of the distribution relative to Project infrastructure and activities for caribou and other terrestrial mammals observed during surveys and incidental sightings;
- d. Results of the annual monitoring program, including field methodologies and statistical approaches used to support conclusions drawn; and
- e. An assessment and presentation of annual environmental conditions including timing of snowmelt, green-up, as well as standard weather summaries.

The Terrestrial Environment Management and Monitoring Plan (TEMMP) states that an annual Terrestrial Environment Monitoring Summary Report will include all of the above information.

However, information on the assessment of annual environmental conditions, specifically the timing of green-up is absent from the Annual Report.

IMPORTANCE TO REVIEW AND SUPPORTING RATIONALE

Comparison of monitoring results year over year requires relevant environmental conditions such as timing of green-up and standard weather summaries to account for temporal fluctuations in wildlife movement and activity. Without this information, differences in wildlife activity year over year may all be associated with project activities if there is no mechanism to correct for environmental fluctuations.

RECOMMENDATION(S)

The GN offers the following recommendations with respect to this issue:

1. Include information on the timing of green-up in the Annual Report.

GN AR # 05 – WILDLIFE ENVIRONMENTAL AWARENESS TRAINING - BIRDS

Department	Environment
Organization	Government of Nunavut
Subject/Topic	Wildlife Environmental Awareness Training - Birds
Terms and Conditions	NRIB Project Certificate No. 006 Term and Condition # 58
References	<ul style="list-style-type: none"> • Agnico Eagle Mines (AEM) Limited (2022) Meliadine Gold Mine 2021 Annual Report, Section 7.8 Wildlife Monitoring • Agnico Eagle Mines (AEM) Limited (2022) Terrestrial Environment Management and Monitoring Plan (TEMMP), Version 4. • Agnico Eagle Mines (AEM) Limited (2022) 2021 Terrestrial Effects Monitoring and Mitigation Program Annual Report Section 3.1.3, Appendix III Wildlife Protection and Response Plan (Section 5)

IDENTIFICATION OF ISSUE

NIRB Project Certificate No. 006 Term and Condition #58 states that the Proponent shall ensure all employees working at Project sites receive awareness training regarding the importance of avoiding known nests and nesting areas and avoiding large concentrations of foraging and moulting birds.

While the Terrestrial Environment Management and Monitoring Plan (TEMMP) states that employees will receive wildlife environmental awareness training, including species identification, wildlife behavior, wildlife encounters and deterrents, no specific mention on nest avoidance is stated in the Wildlife Protection and Response Plan in Appendix III.

IMPORTANCE TO REVIEW AND SUPPORTING RATIONALE

To prevent and minimize impacts on migratory birds and their nests, avoidance of active nests during the nesting period is a mitigation measure that can only be implemented if site personnel and employees are aware of this requirement.

Information such as the distance from active nests to avoid, the types of activities prohibited near active nests and reporting requirements should an active nest be identified by site personnel is required in order to evaluate effectiveness of this measure.

RECOMMENDATION(S)

The GN offers the following recommendations with respect to this issue:

1. Confirm that bird nest avoidance training was included in the wildlife environmental awareness training given to employees.
2. Include this information within the Wildlife Protection and Response Plan in Appendix III.

GN AR # 06 – CONSULTATION WITH NUNAVUT RESEARCH INSTITUTE (NRI)

Department	Environment
Organization	Government of Nunavut
Subject/Topic	Consultation with NRI
Terms and Conditions	NIRB Project Certificate No. 006 Term and Condition # 49
References	<ul style="list-style-type: none"> • Agnico Eagle Mines (AEM) Limited (2022) Meliadine Gold Mine 2021 Annual Report, Section 7.8 Wildlife Monitoring • Agnico Eagle Mines (AEM) Limited (2022) Terrestrial Environment Management and Monitoring Plan (TEMMP), Version 4.

	<ul style="list-style-type: none"> • Agnico Eagle Mines (AEM) Limited (2022) 2021 Terrestrial Effects Monitoring and Mitigation Program Annual Report
IDENTIFICATION OF ISSUE	
<p>NIRB Project Certificate No. 006 Term and Condition # 49 requires consultation with the Nunavut Research Institute (NRI) and the Proponent is encouraged to share monitoring and research study design with NRI four (4) months prior to the anticipated commencement of research activities to facilitate licensing review.</p> <p>This is not reported in the Proponent's Terrestrial Environment Management and Monitoring Plan (AEM 2022), the 2021 Terrestrial Effects Monitoring and Mitigation Program Annual Report (AEM 2022) or elsewhere in the Project's 2021 Annual Report (AEM 2022).</p> <p>Since none of this information or data is presented in the Annual Report, compliance with TC 49 cannot be assessed by the GN.</p>	
IMPORTANCE TO REVIEW AND SUPPORTING RATIONALE	
<p>Excluding the NRI from study design consultation could result in missing the opportunity for a fulsome study. Any proposed monitoring and research study designs may greatly benefit from being reviewed and confirmed that all required permits are acquired. Cooperation with the NRI allows for additional community involvement and input into the Project's activities and effects on the surrounding environment.</p> <p>To comply with this condition, the NRI should be consulted with the monitoring and research study design and results.</p>	
RECOMMENDATION(S)	
<p>To fully comply with Term and Condition # 49, it is recommended that a statement be included within the Proponent's Annual Monitoring Report if any scientific research licences were required and acquired for the annual monitoring period.</p> <p>The GN recognizes that the Proponent would only need to consult with the NRI if research activities are undertaken that would trigger the requirement for a scientific research licence under the <i>Nunavut Scientists Act</i>.</p>	