



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

June 22, 2022

To: The Honourable Dan Vandal, P.C., M.P.
Minister of Northern Affairs
House of Commons
Ottawa, ON K1A 0A6

Jamie Quesnel
Regional Manager – Permitting and Regulatory Affairs
Agnico Eagle Mines Limited
Baker Lake, NU X0C 0A0

Sent via email: dan.vandal@parl.gc.ca and jamie.quesnel@agnicoeagle.com

Re: Notice and Guidance Regarding the Nunavut Impact Review Board’s Processing of Agnico Eagle Mines Limited’s “Meliadine Extension” Project Proposal

Dear Honourable Dan Vandal and Jamie Quesnel:

This correspondence is intended to provide notice as required by s. 112(3) of the *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 14, s. 2 (*NuPPAA*) that the Nunavut Impact Review Board (NIRB or Board) is initiating a formal reconsideration of the terms and conditions of Project Certificate No. 006 in light of Agnico Eagle Mines Limited’s (Agnico Eagle or Proponent) “Meliadine Extension” project proposal (Meliadine Extension Proposal or Proposal), a proposed amendment to the approved Meliadine Gold Mine Project (NIRB File No.: 11MN034)

PROCEDURAL HISTORY

On April 1, 2022, the Nunavut Impact Review Board (NIRB or Board) received a referral from the Nunavut Planning Commission (the Commission) to assess Agnico Eagle’s Meliadine Extension Proposal noting the Proposal conforms to the Keewatin Regional Land Use Plan. The Commission referred the Proposal to the NIRB for assessment as it proposes development of a component or activity that was not part of the original Project or subsequent modifications of the Project that were previously assessed by the Board. Therefore, the Proposal represents a significant modification to the approved Project and under Section 12.4.3 of the *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada (Nunavut*

Agreement) requires assessment by the NIRB prior to issuance of any permits, licences or other approvals by associated Regulatory Authorities. On April 14, 2022, Agnico Eagle provided the Proposal to the NIRB for the Board's consideration. Following a completeness check, the NIRB requested additional information be provided by the Proponent to determine the full scope and nature of the Proposal. This additional information was provided by the Proponent on May 4, 2022.

As set out in the project description, the Meliadine Extension Proposal encompasses modifications to the development activities at the Meliadine Gold Mine Project approximately 25 kilometres (km) from Rankin Inlet. The Proposal includes underground mining at existing open-pit Pump, F Zone, and Discovery deposits and development of a new portal for Tiriganiaq-Wolf, with associated infrastructure for ore, waste, water, and fuel management. The associated infrastructure for the increase in activities also includes the option to store waste rock and tailings in exhausted pits. The camp and existing mine site infrastructure, all-weather access road (AWAR), and laydown area and fuel farm at Itivia Harbour would continue to be used. Use of the waterlines and ocean discharge pipeline to manage site water, which were included in Project Certificate 006 Amendment 02 in March 2022, would also be ongoing, with the addition of a waterline from the Discovery deposit to the mine site along the spur road and AWAR. The Proposal also includes the construction and operation of wind turbines and the option to construct and operate an airstrip. Agnico Eagle has noted that the Proposal would extend the operation phase (i.e. mine life) by 11 years to 2043.

All documentation associated with the Meliadine Extension Proposal, including application materials filed by the Proponent with the NIRB can be accessed from the NIRB's online Public Registry at www.nirb.ca/project/125684.

On May 24, 2022, the NIRB solicited comments on Agnico Eagle's Meliadine Extension Proposal from interested parties and regulatory authorities for the Meliadine Gold Mine Project. Specifically, the Board requested comment regarding:

- Whether the Proposal warranted reconsideration of the existing Project Certificate No. 006 for the Meliadine Gold Mine Project, in accordance with Section 12.8.2 of the *Nunavut Agreement* and s. 112(1) of the *NuPPAA*; and
- Whether the changes proposed in the Meliadine Extension Proposal constituted a significant modification to the Project and subsequent modifications as previously assessed by the NIRB.

The comments received from regulatory authorities, Inuit organizations and the public provided input on the significance of the modifications proposed in the Meliadine Extension Proposal.¹ These commenting parties agreed that the Proposal constitutes a significant modification to the Project (and subsequent modifications to the Project) as previously assessed by the NIRB, noting that the proposed activities could have significant negative ecosystemic and socio-economic impacts, and cause significant public concern. Parties were also in agreement that the proposed activities would likely require a reconsideration of the terms and conditions of NIRB Project Certificate No. 006.

¹ Public Registry ID: 3401015-340019, 340021, and 340032.

GUIDANCE REGARDING PROCESSING OF PROPOSAL

In general, where an approved project is already governed by the terms and conditions of a NIRB Project Certificate, to determine the process and procedure guiding NIRB's assessment of any modification proposal the Board must consider the following questions:

- Was the proposed modification included within the scope of the original project (and subsequent modifications) as previously assessed by the NIRB?
- Is the proposed modification consistent with the terms and conditions of the existing NIRB Project Certificate, or are changes to the Project Certificate necessary to reflect the modification?
- Does the proposed modification constitute a significant modification to the original project that is integrally linked to the original project (including as subsequently modified under any modification proposals that have been assessed and approved by the NIRB)?
- Does the proposed modification constitute a significant modification to the original project that is not integrally linked to the original project, and that has sufficient scope to be assessed as an independent project proposal?

On the basis of the Commission's referral, the information provided by the Proponent, the comments received by interested parties and the Board's review, the NIRB has determined that based on the potential for public concern and ecosystemic and socio-economic impacts, the Meliadine Extension Proposal constitutes a significant modification to the previously assessed Meliadine Gold Mine Project (including as modified by the subsequent amendments). Although the Kivalliq Inuit Association requested that the Meliadine Extension Proposal be assessed as an independent project, the Board has concluded that the proposal is integrally linked to the original Project (and approved amendments) due to activities relying on existing project infrastructure and overlapping with the current footprint. The Board has discretion as to the process and level of assessment when reconsidering terms and conditions of existing project certificates, and highlights that where the scope of the changes to a previously-approved Project warrant, the Board's reconsideration process is sufficiently flexible to ensure that the assessment of a proposal that is conducted as a reconsideration is as thorough and robust as if the Board had conducted the assessment of that proposal as a separate review independent of the previously-approved Project. The Board has also concluded that if, following the assessment of the Proposal, the Board determines that the proposed modifications are acceptable, amendments to the existing terms and conditions of the Meliadine Gold Mine Project Certificate No. 006 may be necessary to reflect the potential for ecosystemic and socio-economic impacts resulting from the proposed modifications.

NOTICE OF RECONSIDERATION

Consequently, the Board has decided that Article 12, Section 12.8.2(b) and (c) of the *Nunavut Agreement* and s. 112(b) and (c) of the *NuPPAA* (changed circumstances and technological innovations) trigger the reconsideration of the terms and conditions of Project Certificate No. 006 in light of the Meliadine Extension Proposal. As required by s. 112(3) of the *NuPPAA*, the NIRB is providing notice of a formal reconsideration of the terms and conditions of Project Certificate No. 006 to the Proponent and the Minister.

While the NIRB does have considerable discretion as to the precise process for conducting a reconsideration of Project Certificate terms and conditions under Section 12.8.2 of the *Nunavut Agreement* and s. 112 of *NuPPAA*, the NIRB's primary objectives apply to reconsiderations and generally dictate that the NIRB conduct an assessment of the modification proposal with as much rigor as a NIRB screening and sometimes even a review. The flexibility and discretion granted to the NIRB to determine the appropriate process for the assessment of modification proposals through reconsideration of Project Certificate terms and conditions reflects that the scale and scope of the changes requested may vary considerably as previously-approved projects are developed, operated, decommissioned, and reclaimed. In an era where "phased development" has become the norm, the flexibility built into the reconsideration process is essential to delivering timely but thorough assessments that are appropriate in scope.

Having determined that a reconsideration of the terms and conditions of Project Certificate No. 006 is necessary, the Board is also providing Agnico Eagle and parties with direction regarding the anticipated next steps in the assessment process. Where the NIRB has established that terms and conditions within a Project Certificate require reconsideration, the Board initiates a public review of the application in accordance with the NIRB's Rules of Procedure.¹ At the conclusion of the assessment, the Board is required under s. 112(5) of the *NuPPAA* to provide a report of its reconsideration of the Project Certificate terms and conditions to the Responsible Minister(s) for consideration, and, based on the Ministers' acceptance and/or variance of this report, the NIRB would amend the Project Certificate as necessary.

The Board acknowledges that to date, Agnico Eagle has submitted a Final Environmental Impact Statement (FEIS) Addendum for the Meliadine Extension Proposal, including a concordance document with the Environmental Impact Statement Guidelines (EIS Guidelines) issued by the Board for the Meliadine Gold Mine Project in 2012. Following review of the materials received to date, the NIRB will provide follow up guidance to Agnico Eagle regarding whether modifications to the existing EIS Guidelines for the Meliadine Gold Mine Project are necessary to reflect the scale and scope of the Proposal and to identify if there are any additional information requirements for the Proponent's preparation of a complete FEIS Addendum. Once the Board has determined that the FEIS Addendum is complete and conforms to the applicable EIS Guidelines, the Board will initiate a public technical review of the Meliadine Extension Proposal.

The Board also acknowledges that Agnico Eagle has requested that the NIRB's assessment for the Meliadine Extension Proposal be partially coordinated with the water licensing process to be undertaken by the Nunavut Water Board (NWB). Consequently, pending acceptance of the FEIS Addendum, the NIRB and the NWB will work together to issue further direction to all parties on planned coordination activities and will, where possible, issue anticipated process timelines, including highlighting coordination between the Boards' processes.

¹ NIRB Rules of Procedure, September 3, 2009.

The Board heard from parties that the proposed activities may have far-reaching impacts on caribou migration and migratory birds, Inuit and Indigenous harvesting, and socioeconomic impacts. Parties and the public also highlighted the need for community engagement to ensure understanding of project components. To ensure opportunities for community members of all potentially impacted communities to fully participate within the process, the NIRB will be including seven (7) communities within the Kivalliq, including Whale Cove, Rankin Inlet, Chesterfield Inlet, Baker Lake, Naujaat and Coral Harbour, as well as the Ghotelnene K'odtineh Dene in northern Manitoba.

Taking into consideration parties' initial comments and concerns about the Meliadine Extension Proposal and interest in participating in the NIRB's process, the Board requests that the Minister consider providing participant funding to enable interested parties to participate fully in the Board's assessment of the Proposal. Although the specific process and timing associated with the Board's reconsideration are not yet determined, for the benefit of prospective participants planning their involvement, the Board provides the following general outline of typical key steps for participants in a reconsideration process:

- An information request (IR) period to identify information that must be provided to commenting parties before they can commence their technical review of the FEIS Addendum and the Proposal, with an opportunity for the Proponent to provide a response to IRs;
- A technical review period where interested parties file technical review comments with the Board, with opportunities for the Proponent to respond;
- A technical meeting and pre-hearing conference (typically conducted in-person in the most directly affected community);
- The preparation of final written submissions and presentation materials in advance of a Public Hearing; and
- Participation during a Public Hearing (typically conducted in-person in the most directly affected community).

Parties should be aware that modifications to the Board's typical reconsideration processes may be necessary during a specific reconsideration to reflect the specific circumstances of the reconsideration (e.g. modifications to Public Hearings may be required to reflect public health restrictions due to the COVID-19 pandemic, modifications to the process and timing may be requested by parties, or under s. 114 of *NuPPAA* the Minister may direct the priorities and timing for the reconsideration). The Board retains the discretion to conduct the reconsideration as it considers to be required in the circumstances in a manner that reflects the requirements of procedural fairness and achieves the objective of a timely and thorough assessment of the Proposal.

CONCLUSION

In addition to providing notice of the reconsideration to the Minister and the Proponent under s. 112(3) of the *NuPPAA*, highlighting some key factors which apply to the Board's further assessment of the Meliadine Extension Proposal, the Board is also inviting the Minister to provide

any directions with respect to priorities and reasonable timelines associated with the Board's reconsideration of the terms and conditions of the Project Certificate No. 006 as set out under Article 12, Section 12.5.4 of the *Nunavut Agreement* and s. 114 of the *NuPPAA*, any guidance related to the key factors considered by the Board during the reconsideration, and the availability of participant funding.

The Board looks forward to receiving any direction from the Minister associated with the Board's reconsideration of Project Certificate No. 006. In the interim, should you have any questions regarding the preceding, please contact the NIRB's Executive Director, Karen Costello at kcostello@nirb.ca.

Sincerely,



Kaviq Kaluraq
Chairperson
Nunavut Impact Review Board

cc: Meliadine Distribution List
Jamie Quesnel, Agnico Eagle Mines Limited
Manon Turmel, Agnico Eagle Mines Limited
Jennifer Range, Agnico Eagle Mines Limited
Sharon Ehloak, Nunavut Planning Commission
Stephanie Autut, Nunavut Water Board
Karén Kharatyan, Nunavut Water Board
Sergey Kuflevskiy, Nunavut Water Board
Carson Gillis, Nunavut Tunngavik Incorporated
Bert Dean, Nunavut Tunngavik Incorporated
Luis Manzo, Kivalliq Inuit Association
Maria Serra, Kivalliq Inuit Association
Agnes Simonfalvy, Government of Nunavut
Tineka Simmons, Canadian Northern Economic Development Agency
Adrian Paradis, Canadian Northern Economic Development Agency
Tracey McCaie, Crown-Indigenous Relations and Northern Affairs Canada
Victoria Shore, Environment and Climate Change Canada
Alasdair Beattie, Fisheries and Oceans Canada
Julie Anderson, Health Canada
Jackie Barker, Transport Canada
Maximilien Genest, Natural Resources Canada
Geoff Bussidor, Sayisi Dene First Nation
Benji Denechezhe, Northlands Denesuline First Nation
Meliadine Distribution List

APPENDIX A: SUMMARY OF COMMENTS REGARDING THE MELIADINE EXTENSION PROPOSAL

The NIRB received comments from regulatory authorities, Inuit organizations and members of the public that provided input on the scope and significance of the Meliadine Extension Proposal. Specifically, the NIRB invited comment on the following:

- a) *Whether the proposed modification constitutes a significant modification to the original project as previously assessed and subsequently modified and approved by the NIRB;*
- b) *Whether the proposed modification is consistent with the terms and conditions of the existing Project Certificate No. 006, Amendment 1, or are changes to the Project Certificate necessary to reflect the modification; and*
- c) *Any matter of importance to the commenting party related to the Board's processing of the project proposal.*

With respect to significance, members of the public, Inuit organizations, and regulatory authorities agreed that the scale and scope of activities proposed in the Meliadine Extension Proposal represent a significant modification to the project as previously assessed. Parties noted that the proposed activities could have potential impacts on migratory birds, caribou and caribou habitat, the terrestrial environment, Inuit harvesting, education, employment and procurement that were not previously assessed.

Overall, parties agreed that the proposed activities would likely require reconsideration of the terms and conditions of the Project Certificate No. 006. Existing term and conditions 25 and 44 were identified as potentially requiring modification due to impacts to surface contact water management and to caribou deflection from the project roads, respectively. Parties also highlighted the potential for modifications to socio-economic terms and conditions from extension of mine life. Finally, it was also specified that new terms and conditions may be required for the proposed airstrip and windfarm.

For the convenience of reviewers, the Board has prepared Table 2 that follows to provide a high-level summary of the comments provided by parties in response to the Board's request for comments on the Meliadine Extension Proposal. Reviewers should be aware, however, that the summaries are provided for reviewers' convenience only and are not exhaustive. Parties wishing to gain a full understanding of comment submissions are encouraged to review the materials provided in their entirety from the NIRB's Public Registry via the NIRB Document ID numbers provided in Table 1 that follows.

Table 1. Listing of Comment Submissions Received

Party	NIRB Document ID
Nunavut Tunngavik Incorporated (NTI)	340016
Kivalliq Inuit Association (KIA)	340017
Government of Nunavut (GN)	340018

Party	NIRB Document ID
Northern Projects Management Office (NPMO) <ul style="list-style-type: none"> ▪ Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC), Fisheries and Oceans Canada (DFO), Environment and Climate Change Canada (ECCC), Health Canada (HC), Natural Resources Canada (NRCan), and Transport Canada (TC) 	340019)
Kangiqliniq Hunters and Trappers Organization (KHTO)	340032
Ghotelnene K'odtineh Dene (GKD)	340015
B. Zawadski (Public)	340021

Table 2. Summary of Comments Received

TOPIC	PARTY	COMMENT SUMMARY
SIGNIFICANCE	NTI KIA NMPO GN KHTO	The proposed scope of the extension activities is a significant modification to the Meliadine Gold Mine Project as previously assessed. Potential for negative impacts on the ecosystem, wildlife, wildlife habitat, and harvesting activities that were not assessed in the original assessment or subsequent addendums.
	GN	Potential positive impacts on education, training opportunities, employment, and business opportunities.
	NTI KIA GN GKD	Potential for adverse effects on migratory birds, caribou and caribou habitat, and Inuit harvesting from proposed activities such as the windfarm, airstrip, new roads and additional infrastructure.
	KIA	Confusion regarding the delineation of the Tiriganiaq-Wolf deposit.
	KIA	Concerns about increased impacts from dust and traffic from increased handling of ore, increased length of roads, increases in traffic, trucking of material from additional borrow pits.
	Public	Negative impacts from windfarm on birds, and caribou behaviour and migration.
		Adverse effects from noise, visual disturbance and cumulative effects of increased activity, increased footprint and inclusion of a windfarm, airstrip, additional borrow pits on terrestrial environment and terrestrial wildlife (including caribou migration).
		Loss of terrestrial environment and disturbance to caribou migration from additional ore stockpiles and water rock storage, Tiriganiaq-Wolf deposit, additional access roads, and increase of mine footprint.
		Concerns regarding the additional waterline from the Discovery deposit to the Meliadine Mine site.
		Concerns regarding community consultation and phased approach to mining through ongoing smaller reconsiderations, highlighting that the community does not understand the long-term picture of the mine.

TOPIC	PARTY	COMMENT SUMMARY
		Increased risk of fuel spills to the terrestrial and freshwater environment from the increased fuel storage on site.
		Concerns surrounding the Development of Discovery Pit and increased traffic on Discovery Road.
TERMS AND CONDITIONS	NTI KIA GN NPMO GKD	The proposed modifications will likely require a modification to the existing terms and conditions in the Project Certificate.
	KIA GN	New Terms and Conditions may be required for the construction and operation of a windfarm and airstrip.
	KIA	Modifications need to include impacts to caribou from additional traffic (recognizing there are outstanding concerns related to caribou deflection in Term and Condition 44).
	NTI KIA	Increased infrastructure will lead to increased surface contact water, which may impact Term and Condition 25, requiring the Proponent to minimize or eliminate surface contact water discharges to Meliadine Lake.
	NTI	Modification to existing terms and conditions may be necessary to address the socio-economic impacts of extending the life of the mine and increasing the number of employees.
	GN	Changing baseline conditions with respect to caribou may also necessitate changes to the terms and conditions.
MATTERS OF IMPORTANCE	KIA	Agnico Eagle will require an amendment to the production lease and road lease.
	KIA	Noted that community consultation to date has not been sufficient and does not accurately reflect community concerns with the proposed airstrip and windfarm.
	GN	The project proposal must be assessed in the context of a significant change in baseline conditions of the Qamanirjuaq caribou herd range.
	GKD	Need for greater assessment of the cumulative impacts to wildlife and wildlife habitat, particularly caribou, from this project proposal.
	KHTO	The KHTO does not support the construction of the windmills and airstrip due to negative impacts on wildlife migration routes.
PROCESS	KIA	Request that the NIRB seek further comments and advice from interested parties and regulatory authorities on scoping and the process of the NIRB assessment, including whether assessment of the proposed activities as an independent project proposal would be appropriate.
	NPMO	Recommends the GKD should be included in the assessment.
	KHTO	The KHTO recommends a full assessment.