



Nunavut Impact Review Board 2021-2022 Monitoring Report **Meadowbank Gold Mine Project and Whale Tail Pit Project**

Agnico Eagle Mines Limited

NIRB File No. 03MN107 and 16MN056



March
2023

Cover Page Title:	Nunavut Impact Review Board 2021-2022 Annual Monitoring Report Meadowbank Gold Mine and Whale Tail Pit Projects Agnico Eagle Mines Limited NIRB File No.'s 03MN107 & 16MN056
Full Report Title:	The Nunavut Impact Review Board's 2021 – 2022 Annual Monitoring Report for the <i>Meadowbank Gold Mine Project</i> (NIRB File No. 03MN107) & <i>Whale Tail Pit Project</i> (NIRB File No. 16MN056)
Projects:	Meadowbank Gold Mine Project (NIRB File No. 03MN107) Whale Tail Pit Project (NIRB File No. 16MN056)
Project Location:	Kivalliq Region, Nunavut
Land Tenure:	Inuit Owned Lands and Crown Lands
Project Owner:	Agnico Eagle Mines Limited P.O. Box 540 Baker Lake, NU X0C 0A0
Monitoring Officers:	Emily Koide, Technical Advisor III (ekoide@nirb.ca) Kelli Gillard, Manager, Project Monitoring (kgillard@nirb.ca)
Monitoring Period:	October 2021 – September 2022
Date Issued:	March 17, 2023
Report prepared by:	Kelli Gillard
Cover photos:	Meadowbank Main Site Whale Tail Pit

TABLE OF CONTENTS

1.0	INTRODUCTION.....	5
1.1	Project History and Current Status	5
1.1.1	Meadowbank Gold Mine Project.....	5
1.1.2	Whale Tail Pit Project.....	8
2.0	MONITORING ACTIVITIES	10
2.1	General Reporting Requirements	10
2.1.1	Reports as Required under the Meadowbank and Whale Tail Project Certificates No. 004 and No. 008	10
2.2	Compliance Monitoring	11
2.2.1	Compliance with the NIRB Screening Decision Report 11EN010	11
2.2.2	Compliance as required under the Meadowbank and Whale Tail Project Certificates No. 004 and No. 008	12
2.2.3	NIRB 2020-21 Monitoring Report Outcomes	14
2.2.4	Compliance Update by Regulatory Authorities	18
2.2.5	Compliance with Instruments.....	20
3.0	EFFECTS MONITORING – IMPACT ASSESSMENT.....	20
3.1	Review of Annual Report by Regulatory Authorities	20
3.2	Effects Monitoring by NIRB	35
3.2.1	Review of Annual Report by NIRB	35
3.3	COVID-19 Update	37
3.4	NIRB Site Update and Public Information Session	37
3.5	Areas Requiring Further Study or Changes to the Monitoring Program	39
3.5.1	Meadowbank Gold Mine	39
3.5.2	Whale Tail Project.....	39
4.0	FINDINGS	39
5.0	CONCLUSIONS	41

LIST OF TABLES

Table 1. Meadowbank Project History and Current Status.....	6
Table 2. Whale Tail Pit Project History and Current Status.....	9
Table 3. Management/Monitoring Plans Submitted for the Meadowbank and Whale Tail Projects Submitted in <i>2021 Annual Report</i>	11
Table 4. NIRB 2020 Recommendations for the Meadowbank Project and Agnico Eagle's Responses.....	12
Table 5. Monitoring Officer 2020-2021 Monitoring Report Recommendations Applicable to Both the Meadowbank and Whale Tail Projects.....	14
Table 6. Monitoring Officer 2020-2021 Monitoring Report Recommendations for the Meadowbank Project	15
Table 7. Monitoring Officer 2020-2021 Monitoring Report Recommendations for the Whale Tail Project	17
Table 8. Summary of Parties Comments by Topic for Meadowbank and Whale Tail Projects and Agnico Eagle's Responses.....	21

LIST OF APPENDICES

Appendix I	Compliance with the Meadowbank Gold Mine Project Certificate No. 004, Amendment 003	
	I-1	
Appendix II	Compliance with the Whale Tail Pit Project Certificate No. 008, Amendment 1.....	II-1

LIST OF ACRONYMS & ABBREVIATIONS

Agnico Eagle	Agnico Eagle Mines Limited
AWAR	All-Weather Access Road
CIRNAC	Crown-Indigenous Relations and Northern Affairs Canada
Commission	Nunavut Planning Commission (formerly known as NPC)
CREMP	Core Receiving Environment Monitoring Program
DFO	Fisheries and Oceans Canada
ECCC	Environment and Climate Change Canada
FEIS	Final Environmental Impact Statement
GN	Government of Nunavut
GN-DoE	Government of Nunavut, Department of Environment
HTO	Hunters and Trappers Organization
ICRP	Interim Closure and Reclamation Plan
KIA	Kivalliq Inuit Association
km	kilometre
m	metre
MDMER	Metal and Diamond Mining Effluent Regulations
ML	Million Litre (note that metal leaching is abbreviated as ARD-ML)
Mt	Million tonnes
NIRB	Nunavut Impact Review Board
<i>Nunavut Agreement</i>	<i>Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada</i>
NuPPAA	<i>Nunavut Planning and Project Assessment Act, S.C. 2013, c. 14, s. 2</i>
NWB	Nunavut Water Board
PEAMP	Post-Environmental Assessment Monitoring Program
QA/QC	Quality Assurance/Quality Control
SEMP	Socio-Economic Monitoring Program
TAG	Terrestrial Advisory Group
TEMP	Terrestrial Ecosystem Management Plan
TC	Transport Canada
TSF	Tailings Storage Facility
TSS	Total Suspended Solids
VEC	Valued Ecosystemic Component
WRSF	Waste Rock Storage Facility
WTHR	Whale Tail Haul Road

1.0 INTRODUCTION

The Nunavut Impact Review Board (NIRB or Board) was established through Articles 10 and 12 of the *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada (Nunavut Agreement)* and is responsible for the assessment of ecosystemic and socio-economic impacts of projects in the Nunavut Settlement Area pursuant to the *Nunavut Agreement*. The NIRB is responsible for Post Environmental Assessment Monitoring of projects in accordance with Part 7 of Article 12 of the *Nunavut Agreement* and s. 135 of the *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 14, s. 2 (NuPPAA). The purpose of the NIRB's monitoring program as outlined in Section 12.7.2 of the *Nunavut Agreement* and s. 135(3) of the NuPPAA are as follows:

- (a) measure the impact of the project on the ecosystemic and socio-economic environments of the designated area;*
- (b) determine whether the project is carried out in accordance with the terms and conditions imposed under subsection 152(6) or set out in the original or amended project certificate;*
- (c) provide the information necessary for regulatory authorities to enforce the terms and conditions of licences, permits or other authorizations that they issue in relation to the project; and*
- (d) assess the accuracy of the predictions contained in the project impact statement.*

As such, this report provides findings that resulted from the Board's monitoring programs for the Meadowbank Gold Mine and the Whale Tail Pit Projects from October 2021 to September 2022.

1.1 PROJECT HISTORY AND CURRENT STATUS

1.1.1 Meadowbank Gold Mine Project

The Meadowbank Gold Mine Project (Meadowbank) as operated by Agnico Eagle Mines Ltd. (Agnico Eagle or Proponent), is located approximately 70 kilometres (km) north of the Hamlet of Baker Lake on Inuit-owned surface lands. Significant events regarding the Meadowbank project history are described in Table 1. Active mining has ended at all pits as the ore has been depleted as follows: Goose Pit in April 2015, Portage Pit A in March 2018, Vault Pit in March 2019, Phaser Pit in October 2018, BB Phaser Pit June 2019, and Portage Pit E in October 2019.

On December 30, 2006, pursuant to Section 12.5.12 of the *Nunavut Agreement*, the NIRB issued Project Certificate No. 004 for the Meadowbank Gold Mine Project (Meadowbank; NIRB File No. 03MN107), allowing the Project to proceed in accordance with the Terms and Conditions issued therein. In November 2009, the NIRB formally amended Project Certificate No. 004 to modify Term and Condition 32 pursuant to *Nunavut Agreement* 12.8.2 and an approval to change the name of the assignee from Cumberland Resources Ltd. to Agnico Eagle Mines Limited (Agnico Eagle or Proponent). In August 2016, the NIRB formally amended the Project Certificate No. 004 to include the Vault Pit Expansion Project proposal for the Project.

For information regarding the original Meadowbank Project refer to www.nirb.ca/project/124588.

In December 2018, the NIRB formally amended the Project Certificate No. 004, Amendment 003 to include the In-Pit Tailings Disposal proposal.¹ For more information please see the NIRB's Public Registry at www.nirb.ca/project/125253.

The current scope of the Project includes maintaining monitoring, management, and other regulatory requirements for current activities of the Project:

- The Meadowbank mine site;
- The Vault site;
- The Baker Lake Marshalling Facility located two (2) kilometers (km) east of Baker Lake;
- The 110 km All-Weather Access Road (AWAR) connecting the mine site with Baker Lake; and
- Associated retention dikes and haul roads within the Project.

Current activities for the Project include utilizing existing infrastructure for ore processing and in-pit tailings disposal for nearby active sites, transportation of ore between the Amaruq and Meadowbank mine site, and routine operational activities.

Table 1. Meadowbank Project History and Current Status

DATE	ACTIVITY
December 2006	The NIRB issued Meadowbank Project Certificate No. 004 (NIRB 2006a).
June 2007	Agnico Eagle acquired Cumberland Resources Ltd.'s assets.
March 2008	Completed construction of the all-weather access road from the Hamlet of Baker Lake to the Meadowbank mine site; the road opened to mine-related transportation.
June 2008	Type "A" Water Licence No. 2AM-MEA0815 issued by the Nunavut Water Board (NWB).
November 2009	The NIRB issued an amendment Meadowbank Project Certificate modify Term and Condition 32 pursuant to <i>Nunavut Agreement</i> 12.8.2 relating to the all-weather access road and to change the name of the assignee from Cumberland Resources Ltd. to Agnico Eagle.
February 2010	Operations of the Meadowbank Project commenced.
May 2010	Water Licence amendment by the NWB for an expansion to the Marshalling Area Bulk Fuel Storage Facility to include two (2) additional 10-million-litre (ML) fuel tanks, for a combined total of six (6) 10 ML fuel tanks, and the construction of an additional two (2) ML tank for the bulk storage of Jet-A fuel to refuel aircraft flying into the Meadowbank mine site.

¹ Public Registry ID: 321813

DATE	ACTIVITY
September 2010	The NIRB issued a <i>Nunavut Agreement</i> 12.4.4(a) recommendation to the then-Minister of Indian and Northern Affairs indicating that the proposed expansion to the Meadowbank airstrip project could proceed subject to additional project specific terms and conditions. Additionally, the NIRB expanded its Part 7 <i>Nunavut Agreement</i> monitoring program for the Meadowbank Project to include the airstrip expansion (NIRB File No. 10XN039).
July 2011	The NIRB issued <i>Appendix D – Meadowbank Monitoring Program</i> to Agnico Eagle in accordance with the Project Certificate. ² The Meadowbank Monitoring Program includes responsibilities for Agnico Eagle, the NIRB, and several Regulatory Authorities and government departments.
January 2013	Water Licence amendment by the NWB to allow for the expanded airstrip. The request indicated a revision to the original 2010 request (NIRB File No. 10XN039), substantially reducing the impacts to Third Portage Lake and specified the construction of the expansion occurring during the winter season.
April 2013	The NWB approved the proposed modification to the airport expansion and the airport extension was completed.
July 2014	<ol style="list-style-type: none"> 1. Agnico Eagle applied to Fisheries and Oceans Canada for a <i>Paragraph 35(2)(b) Fisheries Act Authorization (Normal Circumstances)</i> to expand its current Vault pit operations into Phaser Lake to access additional gold deposits and defer the operations closure date to later in 2017. 2. Water Licence amendment by the NWB to allow for increased all purpose water-use for the site.
April 2015	Mining activities ceased at Bay-Goose Pit.
June 2015	Dewatering of Vault Pit completed.
August 2016	The NWB granted Agnico Eagle's request to renew and amend the Water Licence and issued the amended Licence No. 2AM-MEA1525 for a 10-year period.
August 2016	Following a technical review and a Public Hearing, the NIRB formally approved the Vault Pit Expansion and amendment to the Project and issued an amended Meadowbank Gold Mine Project Certificate on August 19, 2016.
October 2016	Dewatering and fish-out program of the Phaser Lake complete.
March 2018	Mining activities ceased at Portage Pit A.
October 2018	Mining activities ceased at Phaser Pit.

² Public Registry ID: 288621

DATE	ACTIVITY
December 2018	December 2017 Agnico Eagle submitted an application to the Nunavut Planning Commission (the Commission) that included a proposed modification of Agnico Eagle's tailings disposal from the current method (use of then tailings storage facility) to an in-pit tailings disposal in Portage Pit A, Portage Pit E, and Goose Pit. The Responsible Ministers accepted the Board's recommendations for the In-Pit Tailings Disposal Modification to proceed under existing Terms and Conditions of Project Certificate No. 004 with one (1) additional Term and Condition.
March 2019	Mining activities ceased at Vault Pit.
June 2019	Mining activities ceased at BB Phaser Pit.
July 2019	In-pit tailings disposal at Goose Pit commenced and are deposited here as required.
September 2019	Mining activities ceased at Portage Pit E; All active mining completed, and ore processing continued.
August 2020	In-pit tailings disposal at Portage Pit E commenced.

1.1.2 Whale Tail Pit Project

The Whale Tail Pit Project (Whale Tail Project) includes the development of an open pit gold mine located at the Amaruq deposit approximately 150 km north of the Hamlet of Baker Lake and approximately 50 km northwest of the Meadowbank Project. The Whale Tail Project requires the use of existing infrastructure from the Meadowbank Project for production of an estimated 8.3 million tonnes (Mt) of ore. Ore from the mine site is hauled by truck on the Whale Tail Haul Road (WTHR) approximately 65 km road to the Meadowbank mine site for milling. Significant events regarding the Whale Tail Project history are noted within Table 2.

In March 2018, pursuant to Section 12.5.12 of the *Nunavut Agreement* and s. 111(1) of the *NuPPAA*, the NIRB issued Project Certificate No. 008 for the Whale Tail Pit Project (Whale Tail; NIRB File No. 16MN056), allowing the Project to proceed in accordance with the Terms and Conditions issued therein.³ In February 2020, the NIRB formally amended the Project Certificate to include the Whale Tail Pit Expansion Project Proposal (the Expansion Proposal), which involves expansion of Whale Tail Pit, the addition of a new pit (IVR Pit), as well as underground mining.

Construction of the Whale Tail Project components began mid-2018 with major infrastructure completed by March 2019, and included:

- The main camp, mining infrastructure, associated roads/pads, and the WTHR;
- One (1) open pit within the North Basin of the Whale Tail Lake;
- Dike separating the north and south basins of Whale Tail Lake; and
- Secondary: surface water management structures and exploration camp dismantling.

In November 2018, Agnico Eagle proposed an amendment to the Whale Tail Pit Project to include expansion of Whale Tail Pit, development of a new open pit (IVR Pit), and underground mining below both open pits. The Whale Tail Pit Expansion Project Proposal (the Expansion Proposal) would extend the extraction of ore over an approximate four-year period and generate an additional 15.2 Mt of ore. In 2020, the Expansion Proposal was approved to proceed following the NIRB's amendment process. The Expansion Proposal included the expansion of the WTHR from 9.5 metres (m) wide to 15 m wide, the expansion of infrastructure at the Whale Tail Pit site, and the construction of new infrastructure to support the development of the IVR Pit. The amended Project Certificate was issued in January 2020.

On April 20, 2021, the NIRB received an application from Agnico Eagle for the IVR and Whale Tail Pushbacks modification to the Whale Tail Pit Project. On May 19, 2021, the NIRB notified Agnico Eagle that it expected to be informed updates and/or status changes of any monitoring and management plans to allow for opportunities to comment for substantive changes on the updates that have not already been reviewed as part of existing permitting or licensing processes. The NIRB also stated that activities related to this modification, as approved by the Commission under the current framework of project approvals, must be reported in the project-specific annual monitoring report to the NIRB and therefore updates would be expected in the 2021 annual report.

Table 2. Whale Tail Pit Project History and Current Status

DATE	ACTIVITY
March 2018	The NIRB issued Project Certificate No. 008 for the Whale Tail Pit Project.
June 2018	Expansion of the Whale Tail Haul Road (WTHR) commenced.
July 2018	1. <i>Paragraph 35(2)(b) Fisheries Act Authorization</i> (16-HCAA-00370) issued by the Fisheries and Oceans Canada. 2. Construction of Whale Tail dike commenced.
August 2018	Fish-out program of the North Basin of Whale Tail Lake commenced.
November 2018	1. Completion of Whale Tail Haul Road. 2. Agnico Eagle applied for the Whale Tail Pit Expansion Project, a proposed modification to the approved Whale Tail Pit Project. The NIRB initiated formal reconsideration of terms and conditions of Project Certificate 008.
March 2019	Completion of Whale Tail dike.

DATE	ACTIVITY
September 2019	Commercial production commenced.
February 2020	The NIRB issued the Whale Tail Pit Project Certificate No. 008, Amendment 001 to include the Expansion Proposal, which involves expansion of Whale Tail Pit, the addition of a new pit (IVR Pit), as well as underground mining.
2020	Challenges with COVID – open pit production was reduced to 50% in April 2020 but were ramped up at the end of May with full production levels returning in mill by June 2020.
April 2021	The NIRB received correspondence regarding the “IVR and Whale Tail Pushbacks” modification. On May 19, 2021 the NIRB acknowledged the Commission’s determination and noted that it expected to be informed regarding the update and/or status of any management plans that may be changed.
May 2021	On May 19, 2021, the NIRB acknowledged the Commission’s determination and noted that it expected to be informed regarding updates and/or status changes of any monitoring and management plans that would change based on this change so as to allow for opportunities to comment for substantive changes and information be included in the 2021 Annual Report on the pushbacks.

2.0 MONITORING ACTIVITIES

2.1 GENERAL REPORTING REQUIREMENTS

On April 19, 2022, the NIRB received Agnico Eagle’s Meadowbank Gold Mine Project and Whale Tail Pit Project 2021 Annual Report (*2021 Annual Report*). After a completeness check, the NIRB requested additional information which was submitted by May 13, 2022. On May 17, 2022, the NIRB distributed the *2021 Annual Report* to interested parties with a request that they provide comments relating to effects and compliance monitoring as well as other areas of expertise or mandated responsibility by June 30, 2022.

2.1.1 Reports as Required under the Meadowbank and Whale Tail Project Certificates No. 004 and No. 008

The Proponent has provided the following updated items as required by the terms and conditions contained within Project Certificate No. 004, Amendment 003 and Project Certificate No. 008, Amendment 001 for the current monitoring period of October 2021 through September 2022 ([Table 3](#)). Each of the plans is contained within the annual report submitted for that year.

**Table 3. Management/Monitoring Plans Submitted for the Meadowbank and Whale Tail Projects
Submitted in 2021 Annual Report**

PLAN	SUBMISSION DATE	VERSION
MEADOWBANK GOLD MINE PROJECT		
OPEP/OPPP	April 2022	15
Baker Lake Bulk Fuel Storage Facility: Environmental Performance Monitoring	January 2022	6.1
Incinerator Waste Management Plan	April 2022	9
Dewatering Dike OMS	April 2022	9
Freshet Action Plan	April 2022	10
Tailings Storage Facility OMS	April 2022	10
Waste Rock and Tailings Management Plan	April 2022	12
Water Management Report and Plan	April 2022	10
WHALE TAIL PIT PROJECT		
Water Management Infrastructure OMS	April 2022	2
Freshet Action Plan	April 2022	4
Waste Rock Management Plan	April 2022	9
Water Management Report and Plan	April 2022	9
Shipping Management Plan	April 2022	4
Thermal Monitoring Plan	April 2022	4
MEADOWBANK GOLD MINE PROJECT & WHALE TAIL PIT PROJECT (COMBINED)		
Air Quality and Dustfall Management Plan	April 2022	6
Aquatic Effects Management Program (AEMP)	April 2022	5
QAQC Plan	April 2022	7
Emergency Response Plan	April 2022	17
Hazardous Materials Management Plan	April 2022	7
Spill Contingency Plan	April 2022	16
Blast Monitoring Program	April 2022	7
Ammonia Management Plan	April 2022	5
Wildlife Screening Level Risk Assessment Plan	April 2022	6

2.2 COMPLIANCE MONITORING

2.2.1 Compliance with the NIRB Screening Decision Report 11EN010

A recommendation of the NIRB's March 7, 2017, Screening Decision Report for Agnico Eagle's "Amaruq Exploration Access Road – Additional Quarry Amendment" Project (File No. 11EN010; now referred to as the "Amaruq Project") is that Agnico Eagle include a summary of activities undertaken within its Annual Report for the Meadowbank Project. Agnico Eagle has included information in the *2021 Annual Report* for the 2021 activities associated with the Amaruq Project.

2.2.2 Compliance as required under the Meadowbank and Whale Tail Project Certificates No. 004 and No. 008

[Appendix I](#) documents Agnico Eagle's compliance achievements with Project Certificate No. 004 from 2021 to 2022. During this reporting period, the Proponent was successful in generally meeting the objectives of monitoring and mitigation plans and procedures put in place for the Project. However, certain outstanding issues will require the Proponent's attention as discussed throughout this report, with a focus on the main issues identified in this monitoring period. There are several terms and conditions that the Proponent has yet to fully achieve or make progress towards achieving, specifically Terms and Conditions 25, 36, 40, 56, 57, 59, 61, 62, 68, 72, 74, and 86.

[Appendix II](#) documents Agnico Eagle's compliance achievements with Project Certificate No. 008 from 2021 to 2022. During this reporting period, the Proponent was successful in generally meeting the objectives of monitoring and mitigation plans and procedures put in place for the Project. However, certain outstanding issues will require the Proponent's attention as discussed throughout this report, with a focus on the main issues identified in this monitoring period. There are several Terms and Conditions that the Proponent has yet to fully achieve or make progress towards achieving, specifically Terms and Conditions 2, 15, 23, 28, 29, 30, 35, 40, 42, 58, 59, 60, 62, and 63.

For both of the Projects, The NIRB has provided direction in the Appendices with each term and condition, as well as in Sections [3.0](#) and [4.0](#) of this report.

2.2.2.1 Proponent's Responses to the Board's 2020 Recommendations

On November 9, 2021, the Board issued several recommendations to Agnico Eagle resulting from the NIRB's 2020-2021 monitoring efforts including the 2021 Site Update Report⁴ for the Meadowbank Gold Mine and Whale Tail Pit Projects. On February 10, 2021, Agnico Eagle provided responses to address each of the Board's 2020 Recommendations⁵.

Table 4. NIRB 2020 Recommendations for the Meadowbank Project and Agnico Eagle's Responses

BOARD RECOMMENDATION	AGNICO EAGLE'S RESPONSE
1. The Board recommends that more detail be provided in the 2021 annual report and future reports where results from engagement opportunities are considered in the monitoring year. Further, in future updates of monitoring and management plans, the Proponent shall include how community concerns and Inuit Qaujimajatuqangit received was considered,	Agnico Eagle agreed with this recommendation and would integrate and report on the recommendations received from community consultations within the 2021 Annual Report. Content would include: <ul style="list-style-type: none">• The establishment of the Kivalliq Inuit Elders advisory committee to integrate Inuit Qaujimajatuqangit (IQ), Inuit Societal Values

⁴ Public Registry ID: Meadowbank ID No. 337086 and Whale Tail ID No. 332121

⁵ Public Registry ID: 337892

<p>and how results of monitoring were communicated back to the communities.</p> <p><i>Commentary:</i> The 2020 Annual Report does not clearly link how comments received from community members or Inuit Qaujimajatuqangit contributions led to management actions or updates in the monitoring year. Detail is required on the feedback mechanism for reporting monitoring results back to communities so the public can understand not only the results of the monitoring programs but also how their previous concerns and suggestions are addressed or considered.</p>	<p>(ISV), and community knowledge into exploration, planning, workforce, wellness, and operational plans;</p> <ul style="list-style-type: none"> • Progress on the establishment of an IQ and ISV database from community consultations to collect, validate and integrate into applicable future management and monitoring plans; • Bi-yearly community update and community concern meetings regarding future developments and road management plans; and • Information regarding “Tusaajugut – We’re Listening” Program.
<p>2. The Board requests the Government of Nunavut provide an update on the status of its ability to provide the caribou collar data to Agnico Eagle requested to ensure that progress towards compliance with the Project Certificates continues. The Board requests the information within 60 days of release of this report.</p>	<p>The Government of Nunavut (GN) responded to Board Recommendations⁶ and indicated the telemetry maps provided daily (or less frequently when caribou are not present) to Agnico Eagle are sufficient to ensure basic monitoring and mitigation requirements within the TEMP.</p> <p>The GN also explained an internal review of the standard Data and Sample Sharing Agreement (DSSA) to allow parties access to raw telemetry metadata necessary for assessing potential impacts of the Projects. Temporary DSSAs are available to parties until the standard form has been updated. Metadata was released to the KIA in December 2021, to provide reassurance that 2020 lessons are incorporated into the 2021 monitoring year.</p>
<p>3. The Board request Agnico Eagle to outline the steps that it has taken in the 2021 monitoring season to address the information gap and how it intends to conduct analysis and get information to interested parties. The Board requests the information within 90 days of release of this report.</p>	<p>Agnico Eagle confirmed that telemetry maps were provided daily excluding when caribou were not present. The telemetry maps continued to be integrated in day-to-day operations and served as an early warning indicator for caribou presence. The maps were coupled with direct field monitoring via road and viewshed surveys to ensure mitigation obligations were met within the</p>

⁶ NIRB Doc No.: 3377772

	<p>Project Certificate and the TEMP. The monitoring continued to be performed at the frequency provided in the TEMP and in collaboration with TAG members.</p> <p>Agnico Eagle also submitted a separate letter in response to the GN's responses⁷ Board Recommendations for more information.</p>
--	---

2.2.3 NIRB 2020-21 Monitoring Report Outcomes

Within the NIRB's 2020 – 2021 Annual Monitoring Report for the Meadowbank Gold Mine and Whale Tail Pit Projects, the Monitoring Officers made several recommendations to seek clarification or additional information regarding Agnico Eagle's work on site and for monitoring of the Projects. On February 10, 2020, Agnico Eagle provided responses to address these recommendations. Agnico Eagle's response submissions are summarized in Tables 5-7 for both Projects, and individually Meadowbank and Whale Tail Projects, respectively.

Table 5. Monitoring Officer 2020-2021 Monitoring Report Recommendations Applicable to Both the Meadowbank and Whale Tail Projects

<u>RECOMMENDATION</u>	<u>AGNICO EAGLE RESPONSES</u>
The Monitoring Officer recommended that the content within the Post-Environmental Assessment Monitoring Plan provide a high-level summary of detail needed from cross referenced documents to help the reader follow concepts as it can be difficult to review all the cross-referencing currently in the document.	<p>Agnico Eagle acknowledged the recommendation and will continue to improve reporting of the Post-Environmental Assessment Monitoring Plan (PEAMP). Agnico Eagle will evaluate the best method to provide brief summaries within the PEAMP tables along with cross-references in order to facilitate interpretation, without duplicating information provided in previous sections of the annual report.</p> <p>A PEAMP report was provided for the Whale Tail site in Section 12.4 of the 2020 Annual Report. The PEAMP for the Whale Tail site was completed since 2019, based on the Meadowbank model.</p>
The Monitoring Officer recommended that the annual report contains a table with the active management plan, version number, and date	Agnico Eagle acknowledged the recommendation and will provide a table containing a list of active management and monitoring plans with the version

⁷ NIRB Doc ID No. 337877

<u>RECOMMENDATION</u>	<u>AGNICO EAGLE RESPONSES</u>
<p>published to assist the reader in identifying which management plan versions are the working copy each year.</p> <p>In addition, it was recommended that updated management plans should be submitted/loaded by Agnico Eagle individually, and not as appendices to the annual report, to improve public accessibility to the management plans on the Public Registry</p>	<p>number and the submission date in the next Annual Report.</p> <p>Agnico Eagle will also provide the updated management and monitoring plans as stand-alone documents as part of the Annual Report and will improve in providing the approved updated version during the year on the NIRB Public Registry.</p>
<p>In relation to Project Certificate No. 008, Agnico Eagle is required to provide a project-specific web portal or web page as a means of making all non-confidential monitoring and reporting information accessible to the public. The monitoring officer emphasizes a summary table for project activities and the working management plans for public access to be completed.</p>	<p>Agnico Eagle established a Project-specific web portal that provides reports associated with the projects for local communities, regulators, and the public. Currently, the Nunavut region web portal includes FEIS documents, the latest approved NWB Water Licenses, NIRB Project Certificates, and the 2020 Annual Report: (https://aemnunavut.ca/media/documents/).</p> <p>Agnico Eagle will have more documents included by the end of Q2 2022 (June). This will include, among others, a copy of the most recent version the active management and monitoring plans associated with the Projects.</p>

Table 6. Monitoring Officer 2020-2021 Monitoring Report Recommendations for the Meadowbank Project

<u>RECOMMENDATION</u>	<u>AGNICO EAGLE RESPONSES</u>
<p>Term and Condition 36 requires that Agnico Eagle place/hire local area marine mammal monitors onboard all vessels transporting fuel or materials for the Project through Chesterfield Inlet.</p> <p>In response to the Board's 2019 Recommendation #2 on this topic, Agnico Eagle outlined an action plan to meet the Term and Condition. As Agnico Eagle was unable to</p>	<p>Due to the COVID-19 pandemic in 2021, there were no locally hired individuals for marine mammal monitoring. Therefore, the shipping company completed the monitoring in 2021. Once the COVID-19 pandemic is resolved, Agnico Eagle will continue to use local individuals to complete the marine mammal monitoring onboard vessels.</p>

RECOMMENDATION	AGNICO EAGLE RESPONSES
<p>implement this Term and Condition in 2020 due to COVID-19 restrictions, the NIRB looks forward to reviewing the results of the Proponent's progress towards meeting this Term and Condition within its 2021 annual report.</p>	
<p>The Proponent shall clarify where it has arrived at the minimum altitude of 300 metres to avoid wildlife during flights to and from the mine site and how Inuit Qaujimajatuqangit was used to inform the flight height and updates to the Terrestrial Ecosystem Management Plan. Further, the Monitoring Officers request information regarding the consultation with Terrestrial Advisory Group Members and how feedback received was or was not incorporated in the next annual report.</p> <p>Agnico Eagle shall also provide information when it anticipates submitting the Terrestrial Ecosystem Management Plan, Version 8. Further, the Monitoring Officers request information regarding the consultation with Terrestrial Advisory Group Members and how feedback received was or was not incorporated.</p>	<p>The 300 metre (m) altitude stated in the TEMP Version 7 is the minimum altitude to avoid disturbance to caribou, muskox, and other wildlife. In the Noise Monitoring and Abatement Plan Version 3, 610 m is the altitude to avoid sensitive bird/wildlife areas. The requirement to minimum distance buffers of 300 m vertically and 1000 m horizontally for the operation of all helicopters and fixed winged aircraft in proximity to caribou, subject to exception for safety considerations or the fulfillment of regulatory compliance activities, has been recommended by the GN (GN10 Helicopter – Distance buffers landing and take-offs). Agnico Eagle commits to discuss and include clarification of Condition 61 and 62F during the update of the TEMP, projected to be completed by Q3 2022 in collaboration with TAG.</p> <p>Pilots flying aircraft to and from the mine site are to keep a vertical distance of 1000 m and 1500 m horizontal distance from groups of 50 or more caribou and 10 or more muskox. For large groups of migratory birds, the minimum vertical distance is 1100 m and 1500 m horizontal. These minimum vertical and horizontal distances meet the requirements of Condition 61. This information is provided to all pilots flying aircrafts to and from the mine site via a memo in which requires each pilot to sign.</p>
<p>The NIRB recommends Agnico Eagle provide details on the steps taken to date to address the leak issues and spill prevention actions at the Baker Lake Fuel Farm (both to physical</p>	<p>Agnico Eagle acknowledges and understands the importance of Baker Lake as a freshwater and food source to the community.</p>

<u>RECOMMENDATION</u>	<u>AGNICO EAGLE RESPONSES</u>
<p>infrastructure and changes in mitigation and monitoring).</p> <p>Agnico Eagle is requested to perform a comprehensive review of its tank farm facilities to identify and mitigate all failure modes and consider increasing the frequency of tank farm facilities inspections. The findings of the review should be provided in the 2021 annual report.</p>	<p>The Baker Lake Bulk Fuel Storage Facility: Environmental Performance Monitoring Plan (Version 6, January 2022) was recently updated and submitted to NWB for approval processes. This management plan details company and third-party QA/QC inspection frequency, aspects being evaluated at the tank farm, freshwater monitoring, and spill response.</p> <p>As of June 2021, tanks 3, 4, and 6 at the Baker Lake Fuel Farm have been inspected, repaired, and certified. A comprehensive inspection of tanks 1 and 2 is planned for 2022. Planned repairs will be conducted on tank 6 as per recommendations by the certified inspector. In addition, plans are in place to apply an epoxy coating inside all tanks to prevent leaking. Application will be done in 2022-2024. QA/QC on the tanks will also be performed by an inspector. Agnico Eagle commits to providing the update in the 2021 Annual Report.</p>

Table 7. Monitoring Officer 2020-2021 Monitoring Report Recommendations for the Whale Tail Project

<u>RECOMMENDATION</u>	<u>AGNICO EAGLE RESPONSES</u>
<p>The Proponent shall provide a summary to the NIRB that demonstrates the implementation of Item 13 of the Project Certificate. The summary shall be provided to the NIRB within Agnico Eagle's next annual report</p>	<p>Agnico Eagle is of the opinion that Item 13 is fulfilled due to existing regulatory processes for review and obtaining comments from interested parties and social media platform posts to communicate in the context of covid restrictions. Agnico Eagle acknowledges NIRB's recommendation and will provide a summary of communication activities to formally document Item 13 implementation within the <i>2021 Annual Report</i>.</p>
<p>The NIRB continues to request Agnico Eagle provide an action plan for the development of a community-based monitoring program for dust in the next annual report and will continue to monitor the issue.</p>	<p>Agnico Eagle acknowledged the recommendation and will meet with the Baker Lake HTO in February 2022 should the COVID-19 pandemic restrictions allow, to discuss the development of a program. The action plan will be provided in the <i>2021 Annual Report</i>.</p>

2.2.4 Compliance Update by Regulatory Authorities

On May 17, 2022, the NIRB requested regulatory authorities with expertise or jurisdiction at the Meadowbank Gold Mine and Whale Tail Pit Projects to provide comments and information with respect to compliance monitoring and/or site inspections undertaken in association with the Projects, including specifically:

- a. Provide a summary of any compliance monitoring and/or site inspections undertaken in association with the Project, including specifically:
 - i. Identify the terms and conditions from the Project Certificate which have been incorporated into any permits, certificates, licences, or other approvals issued for the Project, where applicable and report annually to the NIRB on the status of those incorporated terms and conditions;
 - ii. A summary of any inspections conducted during the 2021 reporting period, and the results of these inspections; and
 - iii. A summary of Agnico Eagle's compliance status regarding authorizations that have been issued for the Project.

On or before June 30, 2022, the NIRB received comments from the following parties:

Commenting Party	Meadowbank Gold Mine (03MN107)	Whale Tail Pit (16MN056)
Kivalliq Inuit Association (KIA)	340475	340477
Government of Nunavut (GN)	340440	340441
Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC)	340419	340421
Environment and Climate Change Canada (ECCC)	340420	340422
Fisheries and Oceans Canada (DFO)	340474	340476
Transport Canada (TC)	340412	340413

Agnico Eagle provided its responses to parties' comments on August 4, 2022.⁸ The following is a *summary* of comments received by parties regarding compliance monitoring.

2.2.4.1 Kivalliq Inuit Association

The KIA did not provide any information regarding any site inspections conducted at the Meadowbank Gold Mine or the Whale Tail Pit Projects sites or report any concerns regarding compliance monitoring.

Agnico Eagle noted that the KIA conducted a brief site tour of the Whale Tail site on June 30, 2021 where only minor non-compliances were noted. Agnico Eagle also noted that the KIA Baker Lake Lands Officer often patrols the All-weather Access Road to review and ensure application of the TEMP measures.

⁸ Public Registry ID: 341194

2.2.4.2 Baker Lake Hunters and Trappers Organization

There was no comment submission from the Baker Lake Hunters and Trappers Organization; however, Agnico Eagle reported that the Baker Lake Hunters and Trappers Organization conducted surveys almost daily on the AWAR during the caribou migration; however, with COVID-19 restrictions no visit to the sites were authorized in 2021.

2.2.4.3 Government of Nunavut

GN did not provide any information regarding any site inspections conducted at the Meadowbank Gold Mine or the Whale Tail Pit Projects sites or report any concerns regarding compliance monitoring.

Agnico Eagle stated that there were no on-site inspections conducted by the GN in 2021; but an inspection was completed by the GN-Conservation Officer of the Baker Lake Marshalling Facility, but no inspection or site visit reports were received.

2.2.4.4 Crown-Indigenous Relations and Northern Affairs Canada

CIRNAC reviewed the 2022 Annual Report followings its mandates and had questions for Agnico Eagle. The submission also stated that due to COVID-19 CIRNAC Inspectors made it to site once during the year on August 10 and 11, 2021. Meadowbank had a sign missing from a monitoring station, and a yellow material was spilled on the ground around the seacans at the burn area. At the Whale Tail site, the Inspector noticed that the landfill location had become windblown and discussed the importance of key infrastructure completed in accordance with PART B item 10 of the Type “A” Water Licence. All issues were addressed by Agnico Eagle.

Further, CIRNAC Inspectors issued a written warning for a spill of approximately 280 m³ of contact water from the secondary containment of a Bulk Fuel Storage Facility that occurred on September 10, 2021.

2.2.4.5 Fisheries and Oceans Canada

DFO indicated that it was generally agreeable with Agnico Eagle’s reporting and did not complete site inspections at Meadowbank and Whale Tail were in 2021. DFO did not include information related to whether or not a site visit/inspection was completed in 2021; however, Agnico Eagle stated in the *2021 Annual Report* that DFO did not conduct any site inspections at either site in 2021.

2.2.4.6 Environment and Climate Change Canada

Agnico Eagle stated that no inspections were completed by ECCC in 2021 and ECCC did not comment on whether it had conducted site visits.

2.2.4.7 Transport Canada

TC stated that it had conducted one (1) inspection of the Project’s Marine Facility in 2021 and that it was in compliance with the Marine Transportation Security Regulations. Further, Agnico Eagle is required to comply with the *Marine Transportation Security Act* and regulations before interacting with foreign flagged or Canadian flagged vessels on an international voyage and any vessel operators serving the Project should be made aware of the 2022 Annual Notice to Mariners, and in particular section 7A *Voyage Planning for Vessels Intending to Navigate in Canada’s Northern Waters*.

Neither TC or Agnico Eagle noted if any site inspections were completed by TC in 2021.

2.2.5 Compliance with Instruments

The NIRB was able to visit the Meadowbank and Whale Tail Pit Project sites in 2022 (see section 3.4).

3.0 EFFECTS MONITORING – IMPACT ASSESSMENT

Effects monitoring can be described as an assessment of the measurable change to a particular environmental or socio-economic component as compared to the potential effects that were predicted to result from a proposed development. In the case of the Meadowbank Gold Mine and Whale Tail Pit Projects, impact predictions and mitigation measures were outlined and developed throughout the impact assessment of the individual Projects and were recorded and presented through the Proponent's respective Final Environmental Impact Statements, addendums, and other related documents.

3.1 REVIEW OF ANNUAL REPORT BY REGULATORY AUTHORITIES

On May 17, 2022, the NIRB requested that Regulatory Authorities with jurisdiction over the Meadowbank Gold Mine and Whale Tail Pit Projects, or those with specific expertise, provide comments with respect to the effects assessment for the 2021 reporting period. Specifically, comments were requested regarding the following:

- a. Whether the conclusions reached by Agnico Eagle in the *2021 Annual Report* are valid; and
- b. Any areas of significance requiring further supporting information or any changes to the monitoring program which may be required.

Comments received from Authorizing Agencies and the Proponent's responses are summarized in the following table with respect to effects monitoring. For the complete set of comments received by the NIRB for the file, please go to Meadowbank www.nirb.ca/project/125253 or Whale Tail www.nirb.ca/project/125418.

Table 8. Summary of Parties Comments by Topic for Meadowbank and Whale Tail Projects and Agnico Eagle's Responses

Comment and/or Request	Agnico Eagle's Response
Kivalliq Inuit Association (KivIA)	
<p>KivIA 1</p> <p>Agnico Eagle should:</p> <ol style="list-style-type: none"> 1. Provide a summary table of Terrestrial Advisory Group (TAG) advice in annual reports; 2. Obtain input from TAG on the annual Mitigation Audit; and 3. Allow virtual as well as in-person attendance at TAG meetings. 	<ol style="list-style-type: none"> 1. Agnico Eagle will include a table of TAG comments and recommendations on the annual wildlife monitoring report and the Terrestrial Ecosystem Management Plan (TEMP). 2. Agnico Eagle welcomes TAG comments on the annual Mitigation Audit. 3. Agnico Eagle has allowed TAG organizations and their support staff to attend by teleconference or virtually and plans to continue this.
<p>KivIA 2</p> <p>Summarize the caribou encountering the roads and mine site relative to the three (3) levels of thresholds and mitigation outlined in the Caribou Decision Trees to assess how effective the Trees are in triggering mitigation.</p>	<p>Agnico Eagle does not agree that application and outcomes of Decision Trees are not reported. Section 3.6.5 of the <i>2021 Annual Report</i> provides a summary of road-related mitigation applied during 2021 and references both the collared caribou maps provided by the Government of Nunavut (GN) and the TEMP Decision Trees for caribou.</p>
<p>KivIA 3</p> <ol style="list-style-type: none"> 1. Report on the spacing, duration and timing of convoys on both the All-weather Access Road (AWAR) and Whale Tail Haul Road (WTHR); 2. Develop a strategy to pre-emptively store sufficient fuel to reduce the requirement for fuel tankers to be on the roads during periods of high caribou presence; 3. Design and implement a pilot haul truck convoy program, in collaboration with the Terrestrial Advisory Group (TAG) 	<ol style="list-style-type: none"> 1. Working with the TAG on a caribou behaviour to convoy pilot project; further details on convoy information regarding spacing, duration and timing will be added moving forward. 2. Agnico Eagle is in process of obtaining regulatory approval for the installation of a 3.3 million litre (ML) fuel tank at the Meadowbank Complex, which would increase fuel autonomy between the Baker Lake Marshalling Facilities and the Meadowbank Complex by an estimated 10 days, when based on 2022 consumption data. 3. Agnico Eagle looks forward to collaborating with the TAG to implement such a pilot program.

Comment and/or Request	Agnico Eagle's Response
<p>KivIA 4</p> <p>1. Determine if the apparent caribou traffic mortalities reported in Table 17 are an error;</p> <p>2. Improve consistency in reporting sightings and mortalities; and</p> <p>3. Comment on possible explanations when deaths exceed the longer-term average including whether more hares than average were seen in 2021.</p>	<p>1. The values were correctly reported in the <i>2019 Annual Report</i> and the mistake was the failure to superscript the last digit of each value for corresponding table footnotes. The correct values for 2007 to 2013 are provided in Table 2.4-1 in the <i>2019 Annual Report</i>.</p> <p>2. Agnico Eagle will report sightings and mortalities in the 2022 annual report in a manner consistent with mortalities presented in the 2021 annual report.</p> <p>3. The number of hares observed each year is also collected incidentally and likely inconsistently, which would preclude providing a precise estimate of average long-term abundance.</p>
<p>KivIA 5</p> <p>Summarize caribou crossings relative to road closure status, convoys, speed restrictions and crossing direction to enable assessment of the effectiveness of the monitoring and mitigation strategies.</p>	<p>Agnico Eagle will include a summary of caribou crossings relative to road closure/open status, convoys, and speed restrictions. Agnico Eagle would like to highlight that the current monitoring programs are generally intended for caribou detection and implementation of mitigation measures, and not for caribou crossing monitoring.</p>
<p>KivIA 6</p> <p>Develop a long-term data share agreement with the Government of Nunavut to enable Agnico Eagle to conduct analysis of collar movements to aid in interpretation of monitoring and mitigation effectiveness at the Meadowbank Complex.</p>	<p>Agnico Eagle is working with the Government of Nunavut to develop a data sharing agreement that is appropriate for all parties involved and that is appropriate across all phases of mine development.</p>
<p>KivIA 7</p> <p>Synthesize the road survey results with respect to distance and direction that observations occurred relative to the viewshed data.</p>	<p>Agnico Eagle will provide a comparison of Viewshed and Road Survey results to the TAG.</p>

Comment and/or Request	Agnico Eagle's Response
<p>KivIA 8</p> <p>Bring forward a revised remote camera program design to TAG using their experience at Meliadine with remote cameras. A major objective of the study should be to document the time since vehicle for successful (and unsuccessful) crossing events.</p>	<p>Agnico Eagle will discuss with the TAG to further review the current camera program, to document additional crossings events.</p>
<p>KivIA 9</p> <p>Update the basis for the blasting thresholds and consider, with TAG input, an alternative approach to measuring caribou responses to blasting as part of the Meadowbank and Whale Tail soundscape.</p>	<p>The key objective of the blast monitoring program is to establish a site-specific relationship between charge mass, ground vibration (PPV), overpressure (PPL), and caribou behaviour.</p>
<p>KivIA 10</p> <ol style="list-style-type: none"> 1. Clarify why a set buffer distance from the road itself cannot be used as the reference line for collar movement; 2. Compare the dates of beginning and end of migration and duration from road surveys with the collar data; 3. Integrate the road survey and collar data once collar data from fall 2019 and onward are available to reassess these results; and 4. Ensure that the results and implications of this analysis are discussed at the next TAG meeting. 	<ol style="list-style-type: none"> 1. The Mine roads are not a straight north-south alignment and use of a distance buffer would mean that the timing between collared caribou intersecting with the buffer could be earlier or later simply on where the caribou intersected the buffer (<i>e.g.</i>, north versus south). 2. The first and last dates of road survey (ground observations) caribou observations and duration in 2018 and 2019 are shown graphically on Figure 5 (Panels A and B) for spring and Figure 8 (Panels A and B) for fall of Appendix F in the <i>2021 Annual Report</i>. 3. Agnico Eagle will update the assessment after the data sharing agreement with the GN is finalized. 4. It is unknown at this time when the data sharing agreement will be finalized, therefore, Agnico Eagle cannot commit that an updated assessment can be provided before the next TAG meeting.

Comment and/or Request	Agnico Eagle's Response
<p>KivIA 11</p> <p>Clarify why Agnico Eagle believes that construction of the AWAR has not changed the spatial distribution of the caribou harvest compared to historical harvest activities.</p>	<p>Harvest rates within the Regional Study Area (RSA) were 71% of total harvest compared to 67% from the historical study; thus, leading to the determination that threshold levels were not exceeded.</p>
<p>KivIA 12</p> <ol style="list-style-type: none"> 1. Provide TAG with an estimate of necessary sample size to increase statistical power including detecting caribou responses to convoys and other traffic mitigation strategies. 2. Work with TAG to determine how to integrate behaviour monitoring behaviour with collar data and road surveys to address road mitigation effectiveness. 	<ol style="list-style-type: none"> 1. Following discussions at the TAG in February 2022, for the 2022 field season, a goal of 50 surveys during fall has been put forward, including several more convoy surveys. 2. Once the collaring data sharing agreement is completed with the GN, Agnico Eagle looks forward to working with the TAG into merging both programs for further analysis.
<p>KivIA 13</p> <p>Provide a timeline and road designs for the widening of the Whale Tail Haul Road prior to construction as stated in Certificate No. 008, Condition 65.</p>	<p>There are no plans in place for widening the Whale Tail Haul Road to 15 m in the near future. Should this change, Agnico Eagle will provide a timeline and road designs to the KivIA prior to construction.</p>
<p>KivIA 14</p> <p>Confirm if the switch to Re300 chemistry for the Whale Tail Sewage Treatment Plant (STP) is still under consideration.</p>	<p>The Whale Tail STP is still using aluminium sulphate for the removal of phosphorus. The rationale for not changing reagents is that the plant was able to make modifications to the system to allow for increased Alum dosing. The plant is still open to switching to Re300 if maximum alum dosing is not effective enough to meet parameters.</p>

Comment and/or Request	Agnico Eagle's Response
<p>KivIA 15</p> <p>When referring to Total Phosphorous (TP) exceedances in Mammoth Lake (MAM) and Whale Tale South (WTS), Agnico Eagle States "The 2019 FEIS model predictions do not consider management activities that occurred on site in 2020 and 2021". Clarify whether revisions to the TP models are required to determine the extent and impact of phosphorus loads on the receiving environment.</p>	<p>The model predictions provided in the revised FEIS Approved Expansion Project document were based on the proposed timeline for developing infrastructure on site. The timeline included when and how much water would be released to MAM and WTS. Any changes to the timing of development activities and other factors may have resulted in water quality predictions that differed from those predicted for years 2020 and 2021.</p>
<p>KivIA 16</p> <p>Full Core Receiving Environment Monitoring Program (CREMP) is conducted at Whale Tail for 2022, including monthly through-ice limnology profiles at MAM, Whale Tail South (WTS), and Nemo Lake (NEM).</p>	<p>The 2022 CREMP report will provide details on the full CREMP conducted at Whale Tail, including monthly through-ice limnology profiles at MAM, WTS, and NEM.</p>
<p>KivIA 17</p> <p>The KivIA requests that this project be referenced as the "Whale Tail Project" in all future authorizations, annual reports, communication, documents, leases and permits. Any amendments should always refer to this project name as well.</p>	<p>Agnico Eagle acknowledges the KivIA's comment on inconsistent naming designation and will, moving forward, refer to the location as the "Whale Tail Mine" as it is no longer a project being assessed.</p>
<p>KivIA 18</p> <p>Every effort be made to source the material(s) for the KM172 to KM179 section of road widening from sources(s) other than CIRNAC Quarry 35.</p>	<p>Agnico Eagle will look to sourcing material from other locations other than Quarry 35 should logistics and operational constraints allow.</p>
<p>KivIA 19</p> <p>Provide the following information once it becomes available. Results of the review of incinerators maintenance works performed in 2021, incinerator designs specifications, the potential impact from a change in the waste stream, and the external consultant's guidance on the potential causes of the exceedance.</p>	<p>Agnico Eagle will provide to KivIA, once available, the conclusions of the investigation for the cause of the exceedances in dioxin and furan levels that occurred during the November 2021 stack tests. Agnico Eagle is looking into the possibility to suspend incinerator operations at the Meadowbank Complex. Suspension of use notifications were provided to NIRB and NWB.</p>

Comment and/or Request	Agnico Eagle's Response
Government of Nunavut (GN)	
<p>GN AR 1</p> <p>The helicopter flights should include a breakdown of the proportion of flights and hours of flying occurring below altitude threshold; separating flights that had a justifiable reason for low-level flying versus flights that did not have justification in the future Annual Reports with the same format as presented by Baffinland Iron Mines Ltd. in its 2021 Terrestrial Environment Annual Monitoring Report for the Mary River Project.</p>	<p>Agnico Eagle's understanding from Environmental Dynamics Inc. is that the <i>2021 Annual Monitoring Report</i> for Baffinland Iron Mine is not publicly available at the time of the response. When this report is available Agnico Eagle will review it as to whether a similar assessment can be completed and noted that it may not be possible to have information in the 2022 Annual Report.</p>
<p>GN AR 2</p> <ol style="list-style-type: none"> 1. That Proponent clarify whether the conclusion that blasting over-pressure shows no seasonal difference in propagation distance is based on statistical significance. 2. Clarify how over-pressure propagation will be further investigated to establish adequate statistical power to detect potential seasonal differences that would inform blasting mitigation for wildlife. 	<ol style="list-style-type: none"> 1. For very small propagation distances (i.e., <100 m), the spring curve is located above the 95% confidence interval established for the "all blasts" curve. However, for propagation distances greater than 100 m, the seasonal curves all lie within the 95% confidence interval established for the "all blasts" curve. Based on this result, it is not possible to identify a statistically significant difference in the way that Peak Pressure Level (PPL) propagates into the environment. 2. Agnico Eagle will continue to monitor blast parameters and caribou behaviour opportunistically to evaluate whether caribou respond to over-pressure and determine appropriate mitigation thresholds.

Comment and/or Request	Agnico Eagle's Response
<p>GN AR 3</p> <ol style="list-style-type: none"> 1. Explain why Project roads were not automatically closed to traffic on the dates listed in table 1 of GN's comment submission, as prescribed under the caribou decision trees. 2. Explain what is meant by "Speed Restrictions" that were implemented on Project roads on the dates listed in table 1 of GN's comment submission as well as where in the TEMP version 7 (v. 7) this is a prescribed response to the observation of caribou above Group-Size Threshold (GST) and within 1.5 km of a road. 3. Provide details of the duration of road closure for each of the days a Project Road is closed. 4. That the Proponent provide, in all future Annual Reports, details on the consultations that took place and the information upon which reopening was based for each of the days a Project Road is closed. 5. That the Board direct the Proponent to immediately implement the Project's caribou protection measures fully and consistently, in accordance with the approved TEMP's v. 7 GSTs, Distance Thresholds, and decision trees. 	<ol style="list-style-type: none"> 1. Agnico Eagle does not agree with the GN that there is a growing body of evidence that the migration of regional caribou herds is being disrupted by the Mine and roads. Agnico Eagle has demonstrated that collared female caribou encountering the Mine and roads during spring migration reach calving areas and at similar timing as collared caribou that do not encounter roads. 2. "Speed restrictions" should be understood as "speed reduced to 30km/h", as per figure 6-10 of the TEMP v 7. During those dates, road users were capped to 30km/h when travelling in areas where caribou were present. 3. Agnico Eagle will include the duration of the road closures as part of future annual reporting. 4. The reason for reopening are already presented in Appendix B of the Wildlife Monitoring Summary Report. Furthermore, Agnico Eagle is looking to include additional context on which roads can be reopened in the next iteration of the TEMP. 5. N/A
<p>GN AR 4</p> <ol style="list-style-type: none"> 1. That the Proponent provides, in all future Annual Reports, a more detailed analysis of traffic frequency on the Project's roads. And 2. The behaviour study's design should be revised to collect data on the direction caribou are walking to distinguish between individuals walking towards, away or parallel to Project roads. 	<ol style="list-style-type: none"> 1. Agnico Eagle has a daily traffic log for each road, but the current format of data recorded will make it difficult to have accurate information. 2. Based on the comments from the GN on the 2021 report, a field will be added to indicate the direction of walking in relation to the road for the remainder of the 2022 field season.

Comment and/or Request	Agnico Eagle's Response
<p>GN AR 5</p> <ol style="list-style-type: none"> 1. The Proponent continue the Remote Camera Program and expand the Program through deployment of additional cameras to increase and acquire a large sample of caribou crossing photographic data. 2. Conduct an analysis of road survey data for the Whale Tail Haul Road for the period 2019 to 2022 looking at observations of caribou crossing relative to road status. 3. Explain what adaptive management response will be implemented to address the findings of the camera program. 4. That NIRB direct the Proponent to implement fully and consistently the existing automatic road closure provisions in the Project's TEMP. 	<ol style="list-style-type: none"> 1. Agnico Eagle will consider including additional cameras in the monitoring program and will discuss with the TAG at a future meeting. 2. Road surveys are not designed to quantify the proportion of observed caribou groups that crossroads, nor are they appropriate for interpreting caribou responses to road mitigation, and should not be used as such. 3. Like response #2, the higher incidence of crossing events recorded by cameras during road closures is expected and supports that road closures are effective mitigation. 4. N/A
Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC)	
<p>CIRNAC 1</p> <ol style="list-style-type: none"> a) Clearly indicate which modelling parameters have been adjusted since the last modelling run. b) Future modelling results should explicitly and quantitatively report the range of predicted modelling outcomes based on Agnico Eagle's assumptions regarding model prediction accuracy. c) Water quality predictions should clearly indicate the spatial extent of post-closure water quality exceedances within surface water receivers. 	<ol style="list-style-type: none"> a) Agnico Eagle agrees with CIRNAC to indicate which modelling parameters were adjusted since the last modelling run and to explain situations where the level of conservatism has reduced relative to FEIS predictions. b) Agnico Eagle agrees with CIRNAC for the next iteration of the water quality forecast model to explicitly report the range of predicted modelling outcomes based on model prediction accuracy. c) Agnico Eagle acknowledges CIRNAC's recommendation for the next iteration water quality forecast model to clearly indicate the spatial extent of post-closure water quality exceedances within surface water receivers.

Comment and/or Request	Agnico Eagle's Response
<p>CIRNAC 2</p> <p>a) Provide the results of internal investigations into the cause of any spill in future annual reports.</p> <p>b) Carry out a comprehensive root cause review as to why there are year over year repeated observations of secondary containment concerns related to both liner integrity and water ponding within the secondary containment systems.</p> <p>c) Address any findings and recommendations of the root cause review to ensure environmental risks are mitigated through compliance and due diligence.</p>	<p>a) Results from internal investigations for spills are included as part of the follow-up reports that are submitted to the Government of Nunavut Spill Hotline.</p> <p>b) Agnico Eagle will carry out a comprehensive assessment of the Baker Lake marshalling facilities secondary containment and will provide the findings in the 2022 Annual Report.</p> <p>c) Agnico Eagle will address any findings from is review.</p>
<p>CIRNAC 3</p> <p>Include details of employee origin in a manner consistent with the requirements of Project Certificate (PC) 6, Term and Condition (T&C) 101 which applies to the Meliadine Gold Mine.</p>	<p>Agnico Eagle agrees to include detailed breakdown of headcount data by employee location, Inuit and non-Inuit status and project for future Annual Report submission.</p> <p>Furthermore, Agnico Eagle will ensure the employment origin data remains consistent with the T&C 101.</p>
<p>CIRNAC 4</p> <p>Hold semi-annual calls, at a minimum, with appropriate Government of Nunavut personnel to review the discussion points presented in PC 8 T&C 49</p> <p>(Semi-annual calls about Inuit employment)</p>	<p>Agnico Eagle agrees with CIRNAC to hold semi-annual calls with appropriate Government of Nunavut personnel to support the development of Inuit hiring capacity within the region.</p>

Comment and/or Request	Agnico Eagle's Response
Fisheries and Oceans Canada (DFO)	
<p>DFO 1</p> <p>Provide a plan for repair and/or replacement of damaged and obstructed culverts prioritizing repairs to culverts with potential to affect fish passage and fish and fish habitat.</p>	<p>Following these recommendations, in 2019, Agnico eagle put into place a culvert inspection program to be carried out by the road crews during the freshet and open water season. This inspection program is still in place and during the 2021 freshet the culverts had sufficient capacity to manage the runoff and no erosion problems were observed. The inspection of the culverts is continuing in 2022.</p>
<p>DFO 2</p> <p>Provide justification for use of conductivity as a surrogate for Total Suspended Solids (TSS) parameters for the October/November construction activities.</p>	<p>The sediment control strategy as detailed in the design report for this construction event indicated that visual observations of turbidity/TSS would be used to determine any need for supplemental sediment control measures (<i>e.g.</i>, silt curtains), rather than water quality sampling.</p>
<p>DFO 3</p> <p>Provide additional information on insufficient sample size for slimy sculpin in Flooded Lakes (A65 and A20) and Reference Lakes (Lake 8 and A44).</p>	<p>The research program on which the Fish Habitat Offsets Monitoring Program (FHOMP) small-bodied fish assessment methods are based targets a minimum catch of 30 Slimy Sculpin per waterbody to statistically compare various metrics between flood zone and reference systems.</p>
<p>DFO 4</p> <p>Local area marine mammal monitors have not conducted surveys aboard vessels transitioning between Chesterfield Inlet and Baker Lake.</p>	<p>In 2021 (as in 2020), community members were not permitted to board vessels due to health and safety restrictions in place related to the Covid-19 pandemic. Therefore, Groupe Desgagnés and Woodward had their Marine Mammal and Seabird Observations (MMSOs) record sightings of marine mammals and seabirds when possible while travelling on the barge.</p> <p>In 2022, as some of the COVID-19 mitigation measures has been lifted, Agnico Eagle was able to send a local MMSO monitor on the fuel barge for the first discharge taking place between July and August.</p>

Comment and/or Request	Agnico Eagle's Response
<p>DFO 5</p> <p>In 2021, no marine mammal survey transects were conducted by Groupe Desgagnés and Woodward Marine Mammal and Seabird Observations (MMSOs) due to navigational requirements, or due to low light and darkness during transit between Helicopter Island and Baker Lake.</p>	<p>Although no marine mammal survey transects were conducted by Group Desgagné's and Woodward between Helicopter Island and Baker Lake, in 2021 there were nine (9) seabird transect surveys and 25 stationary marine mammal surveys that were conducted while the vessel was anchored at Helicopter Island.</p>
<p>DFO 6</p> <p>No mitigation measures were implemented for Fin Whale Observation – observed at 15m distance. Shipping management plan Mitigation Measures states that vessel will slow if marine mammals' approach with 500m.</p>	<p>Agnico Eagle has met with the shipping companies prior to the 2022 shipping season to reinforce MMSO protocol and mitigation measures. Agnico Eagle commits to continue to work alongside and provide resources to the shipping companies to ensure that forms are being filled out with the correct information.</p>
<p>Environment and Climate Change Canada (ECCC)</p>	
<p>ECCC 1</p> <p>Provide the conclusions of their investigation for the cause of the exceedances in dioxin and furan levels that occurred during the November 2021 stack tests and perform 2022 stack testing prior to the onset of freezing conditions.</p>	<p>Agnico Eagle will provide ECCC with the conclusions of the investigation for the cause of the exceedances in dioxin and furan levels that occurred during the November 2021 stack tests. Agnico Eagle agrees with ECCC to conduct the 2022 stack testing prior to freezing conditions and has tentatively scheduled the program for the end of August 2022.</p>
<p>ECCC 2</p> <p>Noted that there were two (2) exemption permits from the GN to remove two (2) nests of migratory birds in 2021. ECCC reminds the Proponent it is illegal to disturb, destroy or take the nest or egg of a migratory bird, pursuant to Section 6 of the <i>Migratory Birds Regulations</i>, without a permit or authorization from ECCC.</p> <p>Recommended that there be updates to the TEMP noting this information and update ECCC's contact information.</p>	<p>Agnico Eagle appreciated the reminder of the legal obligations and stated that the TEMP is under review and this information would be considered in the drafting and updating of contacts.</p>

Comment and/or Request	Agnico Eagle's Response
<p>ECCC 3</p> <p>A more conservative approach be used with the time-in-area and contribution of benthic invertebrates from the Tailings Storage Facility (TSF) in diet assumptions of the Wildlife Screening Risk Assessment Plan until targeted studies are conducted to refine site-specific conditions.</p>	<p>According to ECCC's recommendation, Agnico Eagle has re-calculated hazard quotients for shorebirds who frequent the TSF location using the more conservative exposure assumptions of one (1) month time-in-area and 100% of food as benthic invertebrates sourced from the TSF sediment during this time (Table 5.3-1).</p> <p>To assess risk more accurately to shorebirds, Agnico proposes the 2-step approach.</p>
<p>ECCC 4</p> <p>Clarify the timing as to what actual years the Water Quality Years and the Scenario Years correspond to, and the rationale for using the various scenario comparison years chosen rather than the most recent year available for predicted concentrations.</p>	<p>The model year prediction in the original water quality forecast does not match the actual Life of Mine (LOM). In addition, it will be investigated if measured total metals can be compared to the CCME guidelines and MDMER criteria for next year's work. Lastly, Figure 12 of the <i>2021 Annual Report</i> will be updated and the Phaser Pit comparison mentioned above will be corrected.</p>
<p>ECCC 5</p> <p>The work planned for understanding conditions in receiving water bodies be described such that the focus is not on quantifying levels of contaminants that can be discharged, noting that the objective is to maintain baseline or guideline/protective water quality in the lakes.</p>	<p>The assimilative capacity of Third Portage Lake will be assessed with the objective of maintaining baseline or guideline/protective water quality in the lake, rather than quantifying levels of contaminants that could be discharged from treated effluent.</p>
<p>ECCC 6</p> <p>ECCC requests clarification of the 2026 water balance volumes associated with the mill and Tear Drop Lake and of the significance of highlighted cells and rows in the tables; and the provision of post-closure flow schematics.</p>	<p>The negative 2026 water balance volumes associated with the mill are a formula error and they should be zero; this will be fixed in the next edition of the water balance. The water balance column for Tear Drop Lake to South Cell has no volumes since this transfer is included with the Central Dike downstream pond inputs which are then sent to Pit A.</p>
<p>ECCC 7</p> <p>Use the updated Federal Water Quality Guideline (FWQG) for aluminum.</p>	<p>Agnico Eagle will ensure the aluminum guideline is updated for next year's Water Quality Forecasting.</p>

Comment and/or Request	Agnico Eagle's Response
<p>ECCC 8</p> <p>Figures in future report iterations for cyanide, arsenic, and lead should include the water licence limit as a reference point on the graphs like the other figures.</p>	<p>Agnico Eagle will ensure that the water licence limit is added to the graphs where it is missing.</p>
<p>ECCC 9</p> <p>Clarify how pore water quality in the pits was accounted for in the modeling update and supports the recommendation in Section 6.2 of the <i>2021 Annual Report</i> to regularly analyse pit water quality, and recommends that various depths be monitored, including near the tailings/water interface.</p>	<p>Pore water quality in the pits was not explicitly accounted for in the water quality modelling update as this is an item that Agnico Eagle has little data on due to the technical difficulties. A sampling program planned for summer 2022 will target to sample pit water from various depths. Tailings pore water sampling is also planned and should be completed during this program.</p>
<p>ECCC 10</p> <p>Identify alternative investigations for the source of the elevated arsenic and chloride concentrations at Pit-E Seepage location and copper at Pit-A east if needed wall seepage samples cannot be collected.</p>	<p>Agnico Eagle will collect water for stable isotope analysis, deuterium, and oxygen-18, from know locations affected by the movement of the reclaim water as well as from sources that are affected by waste rock only contact water to identify the potential source of contaminants observed in the Pit wall seepage samples. This additional sampling will be performed during the bi-annually sampling to be performed in July and September.</p>
<p>ECCC 11</p> <p>Update Table 2-2 of the Quality Assurance/Quality Control (QA/QC) Plan to reflect the current practices and confirm that the minimum frequency of 10% is met for groundwater samples and Mine facilities samples.</p>	<p>Agnico Eagle will update Table 2-2 of the QA/QC Plan for the 2022 Annual Report to reflect the current practices for duplicate, field blank, and trip blank collection for groundwater and Mine facilities sampling.</p>

Comment and/or Request	Agnico Eagle's Response
Transport Canada (TC)	
<p>TC 1</p> <p>Transport Canada recommends to the Board and the Proponent that an up-to-date Oil Pollution Emergency Plan (OPEP)/ Oil Pollution Prevention Plan (OPPP) continue to be included in future annual reports for the Meadowbank Complex.</p>	<p>Agnico Eagle acknowledges Transport Canada's comment and will continue to include the most up-to-date OPEP/OPPP as part of future annual reports.</p>
<p>TC 2</p> <p>Transport Canada would like to remind the Proponent of two (2) pieces of information regarding marine safety and security:</p> <ul style="list-style-type: none"> - Before the facility interfaces with a foreign flagged vessel or a Canadian flagged vessel on an international voyage, Agnico Eagle is required to comply with the Marine Transportation Security Act and Regulations. - Vessel operators serving the Project should be made aware of the 2022 Annual Notice to Mariners 	<p>Agnico Eagle appreciates Transport Canada's reminders regarding marine safety and security and will forward this information to the shipping companies Group Desgagné's and Woodward to ensure that all applicable regulations are being followed.</p>
<p>TC 5</p> <p>Future annual reports for the Meadowbank Complex include copies of all transportation of Dangerous Goods (TDG) documentation for the Project, including hazardous waste manifests.</p>	<p>Agnico Eagle has listed the quantities of hazardous waste that has been shipped off site for disposal in Table 6-3 of the <i>2021 Annual Report</i>. However, the associated hazardous and non-hazardous waste manifests can be found in Appendix 26 of the <i>2021 Annual Report</i>.</p>

3.2 EFFECTS MONITORING BY NIRB

3.2.1 Review of Annual Report by NIRB

3.2.1.1 *Post-Environmental Assessment Monitoring Plan Evaluation*

As part of its Post Environmental Assessment Monitoring Plan (PEAMP) and the requirement of Appendix D of Project Certificate No. 004 for the Meadowbank Project, Agnico Eagle provided a summary on how the current environmental and socio-economic effects of the Meadowbank mine site compared to the impacts as predicted in the FEIS for the following:

- Freshwater Aquatic Environment
- Vegetation, Terrestrial Wildlife, and Birds
- Noise
- Air Quality
- Permafrost
- Socio-economic

For each of these categories, Agnico Eagle conducted a PEAMP evaluation of the valued ecosystem components (VECs) identified in the FEIS, including a summary of the predicted residual effects for which monitoring was recommended in the FEIS and a summary of lessons learned. Agnico Eagle has revised the PEAMP summary to further include reference to baseline and previous years' monitoring data, identify trends for each VEC where an effect is observed, identify impact predictions that can no longer be supported based on project experience to date, and provide an analysis of the effectiveness of management and mitigation strategies with proposed adaptive management. The evaluation focused on the potential impacts for which monitoring was recommended for the current project phase (i.e., operations). Overall, Agnico Eagle concluded in its *2021 Annual Report* that the impact predictions within the FEIS continue to be supported by the monitoring results, with a few exceptions.

The NIRB acknowledges that the Proponent has made significant efforts within its *2021 Annual Report* to improve upon the clarity of its reporting and to include additional trend analyses, which includes comparison of monitoring results to FEIS predictions. With regards to future reporting, the NIRB appreciates the efforts to date and would suggest that Agnico Eagle consider providing a high-level summary of detail needed from cross referenced documents to help the reader follow concepts as it can be difficult to review all the cross-referencing currently in the document.

Even though the NIRB has not yet released the project-specific monitoring program for the Whale Tail Project, the NIRB would expect that some form of post-environmental assessment monitoring would be provided in Agnico Eagle's *2021 Annual Report* as many of the management and monitoring plans state that the comparison would be completed.

In addition to review of Agnico Eagle's PEAMP evaluation, the NIRB reviewed and provides comments on the following topics within the *2021 Annual Report* for both the Meadowbank Project and the Whale Tail Project.

Update Figure 44

On Page 565 of the 2021 Annual Report the NIRB has noted that materials in the Adaptive Management section of Figure 44 is text from the template that was used to create the figure. The Monitoring Officers request an updated figure with updated information in the 2022 Annual Report to fully understand Agnico Eagle's PEAMP evaluation process as it is missing information.

Active Management and Monitoring Plan Tracking

As noted last year, the updated management plans shall be submitted and/or uploaded to the NIRB's Public Registry individually, not in one (1) large file or as appendices to other management plans. This ensures that parties can efficiently find and navigate each plan.

The NIRB emphasizes that Management Plans are to be submitted to the NIRB Public Registry once finalized and are active and not held to the submission of the annual report. Additionally, the plans should be available on the Proponent's web portal or web page as well as plans that are submitted to other Regulatory Authorities.

- Project Certificate No. 008 states "The Proponent shall establish a Project-specific web portal or web page as a means of making all non-confidential monitoring and reporting information associated with the Project available to the general public." After 13 years of construction and operations at the site as well as numerous changes to the Project, plans, and authorizations, this central repository for project-specific information is necessary to allow both public and regulators to access and verify information in a timely way. Therefore, NIRB continues to press for a timely implementation of this Project Certificate requirement, especially to highlight the summary table and current management plans for public access.

Whale Tail Pit Project

Ongoing engagement in project monitoring, modelling, management, and reporting

As noted in of this Report outlining compliance with the Whale Tail Pit Project Certificate ([Appendix II](#)) and in the 2021 NIRB Monitoring Report, the NIRB recognizes the COVID-19 pandemic led to challenges fulfilling this request; however, the Proponent has not demonstrated specific efforts to present revisions of monitoring plans or results of its monitoring programs to communities for consultation and comment. The NIRB acknowledges Agnico Eagle's commitment to improving its media presence in 2020 along with participation in the Terrestrial Advisory Group.

The Proponent reported within its *2021 Annual Report* on various meetings and events held for public consultation purposes in regard to Project Certificate terms and conditions. However, Agnico Eagle did not include information on how engagement on amendments to monitoring plans were communicated through these and how feedback was incorporated into the updates. It continues to remain unclear how results of the ongoing monitoring programs were communicated effectively to the affected communities in 2019, 2020, and 2021.

- The Proponent shall provide a summary to the NIRB that demonstrates the implementation of Item 13 of the Whale Tail Pit Project Certificate. The summary shall be provided to the NIRB within Agnico Eagle's next annual report.

3.3 COVID-19 UPDATE

Since 2020 the NIRB and Proponent have continued to monitor projects and the Proponent has continued to update the NIRB on what was happening at site.

In June 2021 after the reintegration plan was approved by the Chief Public Health Officer of Nunavut, Agnico Eagle began to reintegrate the Nunavummiut workforce back to the Meadowbank/Whale Tail sites and this was completed by October 2021. However, in December due to a resurgence of COVID-19 cases, personnel at site were reduced and Nunavummiut were sent home until the new year.

3.4 NIRB SITE UPDATE AND PUBLIC INFORMATION SESSION

In July 2022, the NIRB conducted a site visit to visually inspect activities occurring related to the Projects and assess compliance with the requirements of the Meadowbank and Whale Tail Projects following Agnico Eagle's COVID-19 protocols. During this site visit, the Monitoring Officers focused on documenting the Meadowbank and Whale Tail sites because it was the first in-person site visit in two (2) years.

As noted in previous years, Monitoring Officers noted that dust suppressants were not applied the entire length of the all-weather access road from Baker Lake to Meadowbank. The NIRB also observed that the Proponent is required to be working with parties to ensure that safety barriers, berms, and designated crossings are located along roads and site infrastructure. The NIRB also looks forward to the determination of additional wildlife crossings being considered for the Whale Tail Haul Road in consultation with the Terrestrial Advisory Group.

The NIRB hosted in person Public Information Session on July 21, 2022. Approximately 14 people attended and had the following comments related to the Meadowbank and Whale Tail Projects.

Comments pertaining to the Meadowbank Gold Mine and Whale Tail Pit Projects:

Waste Management
<ul style="list-style-type: none">• Question on what material goes into the composter.• Concern about sewage runoff
All Weather Access Road (AWAR)
<ul style="list-style-type: none">• Comment that dust spreads miles on either side of the road and settles on vegetation that animals eat.• Comment that dust collectors in the stands along the AWAR work.• Comment noting they are happy to use the road to access a muddy area by east side of White Hills for hunting.• Comment that a caribou was standing on the road, she told it to go home and it went off and started eating.• Observation that the caribou cross the road when it's not too busy but run away when they hear a vehicle.• Observation that trucks wait for the caribou to pass.
Closure and Reclamation
<ul style="list-style-type: none">• Observation that Portage Pit E is filling in fast with water and question whether that is natural.• Will the pits be filled with gravel.• Can caribou run off the edge of the open pits.
Socioeconomic
<ul style="list-style-type: none">• Comment that Agnico Eagle's COVID-19 programs were very helpful to a lot of families.• Comment that people don't receive royalties.
Inuit Qaujimajatuqangit
<ul style="list-style-type: none">• Comment that incorporation of Inuit Qaujimajatuqangit is a challenge for all parties and requires working together with community groups and elders and ensuring that listening is happening. This is important for Agnico Eagle but also for the Government and Hunters and Trappers Organizations to consider.
Training and Education
<ul style="list-style-type: none">• Comment that there is a need to educate youth on monitoring jobs so that Inuit are able to collect and analyze their own data.• The Baker Lake Hunters and Trappers Organization and Kivalliq Inuit Association both noted that they have different ongoing monitoring and training programs.• Comment that engagement in training programs can be an issue.
Comments directed to Regulators
<ul style="list-style-type: none">• Comment that government agencies have a responsibility to provide training.• Comment that the community does not hear about the inspections and monitoring of the mine site completed by federal regulators.• Maybe the NIRB and Government can do some exploration and/or mining education
Other
<ul style="list-style-type: none">• Right now (July) isn't a good time to have meetings and definitely avoid weekends• Comment of inability to attend meeting because of grandparenting• Some people who don't live in Baker Lake attended the meetings, and people at meetings approved the mine.• Ghost/spirit seen in the area of an island that has a child's grave.

3.5 AREAS REQUIRING FURTHER STUDY OR CHANGES TO THE MONITORING PROGRAM

3.5.1 Meadowbank Gold Mine

The NIRB is looking forward to more information in the 2022 annual report for the following Project Certificate No. 004, Amendment 3 Terms and Conditions as there is no further direction at this time: 25, 36, 59, 61, 62, 68 72, 74, and 86.

Consultation/Update with Chesterfield Inlet – Condition 40

Term and Condition 40 requires that the proponent gather traditional knowledge from the local hunters and trappers organizations and conduct at a minimum a one-day workshop with residents of Chesterfield Inlet about activities in the Inlet. Agnico Eagle's 2021 Annual Report discusses the topic but does not give any information regarding the collection of information from Chesterfield Inlet.

- The Proponent shall clarify the information that was provided in the 2021 Annual Report to ensure that Chesterfield Inlet was consulted in the data collection and that other communities were included in the response to provide the Board with information regarding Agnico Eagle's monitoring program for the projects.

3.5.2 Whale Tail Project

The NIRB is also looking forward to more information in the 2022 annual report for the following Project Certificate No. 8, Amendment 1 Terms and Conditions as there is no further direction at this time: 2, 15, 23, 35, 40, 42, 58, 59, 60, 62 and 63.

4.0 FINDINGS

As noted in Section [1.0](#), the objectives of the NIRB's monitoring programs are:

- a) measure the impact of the project on the ecosystemic and socio-economic environments of the designated area;*
- b) determine whether the project is carried out in accordance with the terms and conditions imposed under subsection 152(6) or set out in the original or amended project certificate;*
- c) provide the information necessary for regulatory authorities to enforce the terms and conditions of licences, permits or other authorizations that they issue in relation to the project; and*
- d) assess the accuracy of the predictions contained in the project impact statement.*

The NIRB notes that Agnico Eagle is not in full compliance with the following Terms and Conditions of the Meadowbank Gold Mine and the Whale Tail Pit Project Certificates, and that recommendations from the Board have been provided to the Proponent under separate cover.

Recommendation for Meadowbank and Whale Tail Project Certificates

Caribou Collar Data and Government of Nunavut Data and Sample Sharing Agreement

As highlighted by parties and the Proponent through the 2021 Annual Reporting process for Agnico Eagle's Kivalliq projects, Agnico Eagle and the Government of Nunavut (GN) still require a Data and Sample Sharing Agreement (DSSA) for sharing satellite collar data on caribou in the region for accurate analysis of Project Impacts on herds in the Region. In 2021 as per Terms and Conditions 29 of the Whale Tail Project Certificate and 54 of the Meadowbank Project Certificate, the Board requested an update from the GN on the status of its ability to provide the caribou collar data to Agnico Eagle for the Meadowbank Gold Mine and Whale Tail Pit Projects. The GN responded that a series of ongoing delays in negotiating the agreement to share the raw telemetry data and an update to the standard form DSSA was required. The GN stated that although sharing raw telemetry data requires a DSSA, but simple telemetry data is provided and this was sufficient to fulfill the basic monitoring and mitigation requirements of the Terrestrial Ecosystem Monitoring and Management Plan.

The Board is noting challenges for it to fully assess how caribou interact with Agnico Eagle Projects in the Kivalliq region and how this could impact future assessments and the data gap that is occurring. The Board would like to stress the importance of the finalization of the DSSA between Agnico Eagle and the GN. The Board requests updates on the status of the DSSA and an update from Agnico Eagle on how the receipt of maps versus the collar data is impacting monitoring.

Recommendation for the Whale Tail Pit Project Certificate

Updated Plans for the Whale Tail and IVR Pushbacks

In 2021 the NIRB received information on Agnico Eagle's plan to do IVR and Whale Tail Pushbacks between the IVR and Whale Tail Pits allowing Agnico Eagle to access additional gold located between the two (2) pits. The NIRB acknowledged the Nunavut Planning Commission's determination and noted that the proposed activities would be subject to Project Certificate 008. On May 19, 2021, the NIRB stated in relation to the pushback activities that it expected to

be informed regarding the update and/or status of any management plans that require updates so that if there are substantive changes being proposed, the NIRB could provide parties an opportunity to comment on any updates that have not already been reviewed as part of existing permitting or licensing processes. In addition to considering updates to the management plans, the activities related to this modification, as approved by the Commission under the current framework of project approvals, must be reported in the project-specific annual monitoring report to the NIRB.

Agnico Eagle has not submitted any plans to the NIRB during the 2021 year and information related to this topic in the 2021 Annual Report was incomplete. The Board requests information on the changes that were made to Plans through the IVR and Whale Tail Pits pushback and the submission of any updated plans separately from the annual report.

Updated Version of TEMP

In 2020 Agnico Eagle submitted a draft of the Terrestrial Ecosystem Management Plan (version 8) to the NIRB for Term and Condition 30 of the Whale Tail Project Certificate and there was discussion over its status and that discussion with the Terrestrial Advisory Group had not yet been consulted on the contents. In 2021 Agnico Eagle noted it would be discussing the TEMP with the Terrestrial Advisory Group for submission to the NIRB. The Board notes that Agnico Eagle has stated in the 2020 and 2021 Annual Reports that Agnico Eagle has numerous items that it would also be addressed in the update to the Terrestrial Ecosystem Management Plan. As there is limited information on the progress of the latest version of the TEMP to date the NIRB is requesting information from Agnico Eagle on the progress.

5.0 CONCLUSIONS


Pursuant to Sections 12.7.2 and 12.7.3 of the *Nunavut Agreement* and ss. 135(3) and 135(4) of the *NuPPAA*, the NIRB will continue to work with Agnico Eagle and other regulatory authorities in order to provide the required evaluation of monitoring efforts, results, and compliance as outlined within the Board's project-specific monitoring programs and in accordance with the requirements set out in the Meadowbank Gold Mine Project Certificate No. 004 and in the Whale Tail Pit Project Certificate No. 008.


During the 2021-2022 monitoring period, Agnico Eagle demonstrated compliance with the majority of the applicable requirements of Project Certificate No. 004, Amendment 003 of the Meadowbank Gold Mine Project. Further, Agnico Eagle is generally meeting the objectives of monitoring and mitigation plans and procedures put in place for the Projects. However, certain outstanding issues will require the Proponent's attention as discussed throughout this report with the main issues identified in this monitoring period as follows:

1. Lack of achievement or progress towards achieving of the following Term and Conditions: 25, 36, 40, 56, 57, 59, 61, 62, 68, 72, 74, and 86;
2. Need to provide management plans on the public website;
3. Dust control along the AWAR; and
4. No caribou collar data from the Government of Nunavut.

In addition, Agnico Eagle demonstrated compliance with most of the applicable requirements of Project Certificate No. 008 of the Whale Tail Pit Project and is generally meeting the objectives of monitoring and mitigation plans and procedures put in place for this Project. However, certain outstanding issues will require the Proponent's attention as discussed throughout this report with the main issues identified in this monitoring period as follows:

1. Lack of achievement or progress towards achieving of the following Terms and Conditions: 12 and 13 (under Board Guidance on General Regulatory and Administrative Responsibilities), and 2, 15, 23, 28, 29, 30, 35, 40, 42, 58, 59, 60, 62, and 63 (under Whale Tail Pit Project Specific Terms and Conditions).
2. Dust control along the AWAR.

Prepared by: Kelli Gillard, PAg, CTAJ
Title: Manager, Project Monitoring
Date: March 17, 2023
Signature: 

Reviewed by: Keith Morrison
Title: Manager, Impact Assessment
Date: March 17, 2023
Signature: 

Appendix I Compliance with the Meadowbank Gold Mine Project Certificate No. 004, Amendment 003

<u>Term & Condition</u>	<u>Reporting Requirements</u>	<u>Compliance Achievement 2020</u>	<u>Compliance Achievement 2021</u>	<u>NIRB Comment</u>
Regulatory Requirements (General)				
1. Adherence to the commitments from the original Final Hearing.	n/a	Active In Compliance	Active In Compliance	
2. The NIRB's assignment of a Monitoring Officer.	n/a	Active In Compliance	Active In Compliance	Completed by NIRB.
3. Must obtain all required federal and territorial permits and other approvals and shall comply with the requirements of such regulatory instruments.	n/a	Active In Compliance	Active In Compliance	Confirmed in the <i>2021 Annual Report</i> and by Agencies.
4. Prompt and appropriate action to remedy any noncompliance and annual reporting of noncompliance with environmental laws and regulations and/or regulatory instruments.	Annually	Active In Compliance	Active In Compliance	Summary of non-compliance provided in the <i>2021 Annual Report</i> .
5. Posting of adequate performance bonding.	n/a	Active In Compliance	Active In Compliance	
Monitoring Records				
6. Information requirements for monitoring reporting.	Annually	Active In Compliance	Active In Compliance	
7. Maintain the records and results of any monitoring, data, or analysis, for a minimum of the life of the Project, including closure and post-closure monitoring.	Annually	Active In Compliance	Active In Compliance	
Water Quality and Waste Management				
8. Groundwater Monitoring.	Annually	Active In Compliance	Active In Compliance	<p>2021 Groundwater Monitoring Report Appendix 43.</p> <p>Seepages in Pit A and Pit-E were collected and have similar in composition to background. Pit-E seepage water quality is interpreted to be affected by mining activities and investigations will be continued. Agnico Eagle noted that with rising water levels in Pit-A and Pit-E sampling locations are becoming difficult to access; however, they do go into pits that will be treated during closure so the environmental risk is lower.</p> <p>The NIRB observed the seepage areas and confirms Agnico Eagle's concern but would encourage Agnico Eagle to find other ways to find the sources and/or to continue monitoring the source of elevated concentrations.</p>

Term & Condition	Reporting Requirements	Compliance Achievement 2020	Compliance Achievement 2021	NIRB Comment
9. Provide plans for water treatment for the tailings (reclaim pond) discharge, and on a contingency basis for the attenuation pond discharge(s) and for the pits.	n/a	Active In Compliance	Active In Compliance	Complete and part of NWB Type "A" Water Licence 2AM-MEA1526.
10. Sewage treatment expectations.	n/a	No Longer Active Completed	No Longer Active Completed	Completed prior to Water License approval and monitored through Water Licence.
11. Provide details regarding the effluent outfall configuration for Wally Lake in the water license application to the NWB.	n/a	No Longer Active Completed	No Longer Active Completed	Completed prior to Water License approval and monitored through Water Licence.
12. Provide details of a comprehensive water use and water management plan for the Baker Lake marshalling area, including monitoring of the discharge from the marshalling area sump.	n/a	No Longer Active Completed	No Longer Active Completed	Completed prior to Water Licence approval and monitored through the Water Licence.
13. Water discharge requirements for Wally Lake and Third Portage Lake.	n/a	Active Deficient - in progress	Active In Compliance	Agnico Eagle stated that no discharge was made to Wally Lake in 2018-2021 and the lake is monitored.
14. Reclamation and Closure - removal of dewatering dikes expectations.	n/a	Not Yet Active Not Yet Applicable	Not Yet Active Not Yet Applicable	At end of Mine life; Part E, Item 7 of NWB Type "A" Water Licence 2AM-MEA1526.
15. Characterization of mine waste materials, including the Vault area, for acid generating potential, metal leaching and non-metal constituents within two years of commencing operations.	n/a	Active In Compliance	Active In Compliance	In its <i>2021 Annual Report</i> , Agnico Eagle provided a summary of the results of sampling Non-Potential Acid Generating – Potential Acid Generating and classification and comparison to FEIS predictions.
16. N/A-Missed Number.	n/a			n/a
17. Undertake detailed technical review of all dike and pitwall designs at the final design stage and submit the final dike designs for water depths of greater than 10 metres for an expert analysis.	n/a	No Longer Active Completed	No Longer Active Completed	
18. Commit to a pro-active tailings management strategy through active monitoring, inspection, and mitigation.	n/a	Active In Compliance	Active In Compliance	Within <i>2021 Annual Report</i> , provided an update to Waste Rock and Tailings Management Plan, Version 12 (Appendix 22) and an update to Meadowbank Thermal Monitoring Report, Version 2 (Appendix 24).
19. Tailings cover requirements for both existing Tailings Storage Facility and the In-Pit Tailings.	Annually	Active In Compliance	Active In Compliance	Within <i>2021 Annual Report</i> , provided an update to Waste Rock and Tailings Management Plan, Version 12 (Appendix 22), and the Meadowbank Thermal Monitoring Report, Version 2 (Appendix 24) in the 2020 Annual Report. Listed site-specific reference material regarding cover material proposed to be used and the long-term performance, and details to be provided in future reports.
20. Mitigation measures for contamination from tailings and assessment of fault permeability to groundwater movement.	n/a	Active In Compliance	Active In Compliance	Characterization of geologic structures and hydrogeological 3-D model completed in 2017 and updated in 2018 for in-pit

<u>Term & Condition</u>	<u>Reporting Requirements</u>	<u>Compliance Achievement 2020</u>	<u>Compliance Achievement 2021</u>	<u>NIRB Comment</u>
				tailings deposition. Further updates to model planned for closure.
21. Installation of a weather station at the mine site to collect atmospheric data, including air temperature and precipitation.	Results to be submitted annually.	Active In Compliance	Active In Compliance	Summary of results reported in <i>2021 Annual Report</i> .
22. Fund an on-site lab that has the capability to monitor parameters at a type and at a frequency acceptable to the NWB and EC at all site discharge points.	n/a	Active In Compliance	Active In Compliance	A small laboratory is on-site.
23. Water quality monitoring QA/QC.	Results to be submitted annually.	Active In Compliance	Active In Compliance	Within <i>2021 Annual Report</i> , QA/QC Plan revised in March 2021 (Appendix 54); Field program specific QA/QC found within the report.
24. Identify an area and design for a landfill for disposal of operational and closure non-salvageable materials with design incorporated into Waste Management Plan.	n/a	Active In Compliance	Active In Compliance	1) Hazardous Materials Management Plan, Version 7, March 2022; and 2) Landfill Design and Management Plan, Version 5, March 2021.
25. Managing attraction of carnivores and/or raptors to reduce or eliminate attraction at all landfills and waste storage areas.	n/a	Active Deficient - in progress	Active Deficient - in progress	1) Incinerator Waste Management Plan Version 9 March 2022; and 2) Landfill Design and Management Plan, Version 5, March 2021. Agnico Eagle has employed deterrents for carnivores and raptors prior to 2020 and 2021 nesting season with varied results. The NIRB will reassess in the next monitoring year.
26. Ensure spills are cleaned up and site maintained clean of debris.	n/a	Active In Compliance	Active In Compliance	Spill Contingency Plan, Version 16, April 2022.
27. Fuel and hazardous materials storage.	n/a	Active In Compliance	Active In Compliance	1) Hazardous Materials Management Plan, Version 7, March 2022; and 2) Spill Contingency Plan, Version 16, March 2022.
28. Signatory to the International Cyanide Management Code (ICMC), communicate this to shippers.	n/a	Active In Compliance	Active In Compliance	Agnico Eagle received full ICMC certification in March 2016. Recertification received January 2019 and internal audit completed in 2020. Third-party audit was completed in 2021 for recertification. Unfortunately, an in-person meeting in 2021 in Rankin Inlet and Chesterfield Inlet was not held, but materials were distributed through the Community Liaison and community relations team and materials was on social media and radio announcements.

<u>Term & Condition</u>	<u>Reporting Requirements</u>	<u>Compliance Achievement 2020</u>	<u>Compliance Achievement 2021</u>	<u>NIRB Comment</u>
Project Alternatives and Planned Changes				
29. Reporting on plans for expansion, particularly the use of Second Portage Lake as preferred alternative for tailings management.	n/a	Active In Compliance	Active In Compliance	<p>No permitting was done in 2020.</p> <p>However, Whale Tail and IVR pushbacks were submitted to the NIRB in 2021 and the NIRB stated that it “expected to be informed regarding the update and/or status of any management plans that require updates so that if there are substantive changes being proposed, the NIRB could provide parties an opportunity to comment on any updates that have not already been reviewed as part of existing permitting or licensing processes. In addition to considering updates to the management plans, the activities related to this modification, as approved by the Commission under the current framework of project approvals, must be reported in the project-specific annual monitoring report to the NIRB.</p> <p>Therefore, the NIRB requests an update on the plans that were updated as a part of this process and whether or not any other permitting or licencing process has reviewed it.</p>
30. Application to Schedule 2 of the Metal Mining Effluent Regulations, including the No Net Loss Plan expectations.	n/a	No Longer Active Completed	No Longer Active Completed	<p>Updated No Net Loss Plan, October 2012</p> <p>Habitat Compensation Monitoring Plan, Version 4, February 2017.</p> <p>Analysis completed in 2019 and is in Appendix 40 of the 2019 annual report.</p>
All-Weather Private Access Road				
31. Stream crossing design criteria along with maintenance plan and mitigation and monitoring expectations.	Report to DFO, NWB, INAC, GN	Active In Compliance	Active In Compliance	<p>Complete and part of DFO permits and NWB Water Licence. Some culverts that were flagged in 2019 for erosion issues and have yet to be addressed by Agnico Eagle.</p> <p>The NIRB looks forward to updates on repairs in the 2022 Annual Report.</p>
32. (Amended) All-weather access road to be operated as private access road with limited access for all-terrain vehicles.	Annually for 32e, 32f, 32g and 32h	Active In Compliance	Active In Compliance	<p><u>32g</u>: A summary of the non-mine authorized road use was provided in the <i>2021 Annual Report</i>.</p> <p><u>32e</u>; <u>32f</u> and <u>32h</u>: Agnico Eagle provided a summary of the consultation conducted with respect to the AWAR for the 2021 monitoring period.</p> <p>In 2021 there were 3 environmental spills along the AWAR and 14 project related wildlife mortalities (Arctic foxes and hares)</p>
33. Access and Air Traffic Management Plan.	n/a	Active In Compliance	Active In Compliance	Agnico Eagle provided an updated AWAR Transportation Management Plan dated March 2017 that replaces the Access

<u>Term & Condition</u>	<u>Reporting Requirements</u>	<u>Compliance Achievement 2020</u>	<u>Compliance Achievement 2021</u>	<u>NIRB Comment</u>
				<p>and Air Traffic Management Plan as part of the 2016 annual report. The updated AWAR Transportation Management Plan was done in June 2021 and submitted as appendix 70 of the 2021 Annual Report.</p> <p>Agnico Eagle noted that in 2020 an employee from Baker Lake worked at the Gatehouse for the AWAR to maintain isolation between the Mine Sites and the Community. This allowed community members to report to the gatehouse and use the road throughout COVID. As in 2020, in 2021 continued to have radio announcements and other advertising to communicate the no contact policy.</p>
34. Full-time road safety, search, and rescue position.	n/a	Active Deficient - in progress	Active In Compliance	<p>Agnico Eagle has a Meadowbank and Whale Tail Emergency Response Team of internal employees and staff must attend at least six (6) of practices a year to be part of the rescue team. Currently there are 105 active Emergency Response and Mine rescue members.</p> <p>Agnico Eagle responded to the 2019-2020 Board recommendation noting that there is also currently a 24-hour dispatch at the Baker Lake Gatehouse and a 24-hour security guard onsite and protocols and procedures in place to respond to emergencies.</p>
35. Reclamation for all-weather private access road at the end of the mine life unless approval obtained to maintain and operate beyond life of mine.	n/a	Not Yet Active Not Yet Applicable	Not Yet Active Not Yet Applicable	At end of Mine life which includes the life of the Whale Tail Pit project.
36. Local area marine mammal monitors onboard all vessels.	n/a	Active Deficient - in progress	Active Deficient - in progress	<p>As COVID-19 restrictions were lifted, Agnico Eagle was able to hire marine mammal monitors again as they were able to be aboard ships. There was one monitor at the time of the site visit.</p> <p>The Board looks forward to an update in the 2022 Annual Report as there was a hire in 2022.</p>
37. Contract only Transport Canada certified shippers and require up-to-date emergency response/spill handling equipment.	n/a	Active In Compliance	Active In Compliance	Only certified vessels hired in 2021 and the shipping and emergency plans are reviewed annually.
38. Shipping requirements through Chesterfield Inlet – limited number of ships where possible.	n/a	Active In Compliance	Active In Compliance	In 2021, 76% of vessels travelled south of Coats Island, with the exception of seven (7) occasions, five (5) occurred in June and early July due to ice conditions in Hudson Bay, and the other two (2) occurred in September and October, both due to inclement weather.

<u>Term & Condition</u>	<u>Reporting Requirements</u>	<u>Compliance Achievement 2020</u>	<u>Compliance Achievement 2021</u>	<u>NIRB Comment</u>
39. Annual community information meeting in Chesterfield Inlet to fully discuss the shipping program for the Project.	Annually with consultation report submitted within one (1) month of meeting.	Active In Compliance	Active In Compliance	Meetings were not able to be held in Chesterfield Inlet in 2021 due to COVID-19. Agnico Eagle remained in contact by email or teleconference. If COVID-19 restrictions were eased in 2022 Agnico Eagle would try to host an in-person meeting.
40. Traditional Knowledge from the local HTOs and Chesterfield Inlet - marine mammals, cabins, hunting, and other local activities in the Inlet.	Annually, Copy DFO on result.	Active Deficient – in Progress	Active Deficient – in Progress	Meetings were hosted with Chesterfield Inlet Hamlet Reps as well as Elders and a Mental Health Survey. No mention of how or when the Chesterfield Inlet was engaged in 2021. As 2020/2021 had many restrictions due to COVID-19 the NIRB requests an update of how Traditional Knowledge was collected from the HTO as listed in the Term and Condition
41. Mitigation procedures for marine mammals.	n/a	Active In Compliance	Active In Compliance	Reported that no marine mammal interactions occurred in 2021.
42. Fuel transfer operational requirements.	n/a	Active In Compliance	Active In Compliance	No issues of non-compliance reported in <i>2021 Annual Report</i> .
43. Lightering activities at Helicopter Island are not approved, except in case of emergency only, with explanation required if used.	n/a	Active In Compliance	Active In Compliance	No issues of non-compliance reported in <i>2021 Annual Report</i> .
44. Spill Contingency and Emergency Response Plan.	Provide to EC, TC, GN, DFO, and NWB. Transport Canada - Marine Safety requires Oil Pollution Emergency Plan for any Oil Handling Facility operated by Cumberland.	Active In Compliance	Active In Compliance	1) Spill Contingency Plan, Version 16, April 2022 2) Emergency Response Plan, Version 17, Oct 2021; and 3) Oil Pollution Emergency Plan, Version 15, March 2022. A Mock spill exercise was conducted at Baker Lake Tankfarm with this as the scenario. Exercise went well and lessons learned and this practice will continue in the future.
45. Insurance requirements for contracted shippers.	n/a	Active In Compliance	Active In Compliance	No claims reported for 2021.
Fish and fish-habitat				
46. Freshwater intake pipe requirements and design.	n/a	No Longer Active Completed	Active In Compliance	Part of DFO permits and NWB Water Licence. Information on monitoring provided in the <i>2021 Annual Report</i> .
47. Water flow from Third Portage Lake, including consideration of alternatives.	n/a	No Longer Active Completed	Active In Compliance	Part of DFO permits and NWB Water Licence. Proponent comes to same conclusions as presented in reports from 2015 to 2018. Effluent discharge to Wally Lake and Third Portage Lake ceased.
48. Term and condition deleted following review of Vault Pit Amendment.	n/a	No Longer Active Completed	No Longer Active Completed	Term and Condition was removed in Project Certificate Amendment 2.

Term & Condition	Reporting Requirements	Compliance Achievement 2020	Compliance Achievement 2021	NIRB Comment
49. (Revised) Fish-out programs for the dewatering of Second Portage Lake, Third Portage Lake, Vault Lake and <u>Phaser Lake</u> .	Results provided annually to NIRB.	No Longer Active Completed	No Longer Active Completed	Fish-out programs completed & reported 2008-2016. No fish out programs were conducted in 2021.
50. Barge landing facility design to prevent infilling of fish habitat.	n/a	No Longer Active Completed	No Longer Active Completed	Part of DFO permits and NWB Water Licence.
51. Creel surveys within waterbodies affected by the Project and in consultation with the HTO.	n/a	Active In Compliance	Active In Compliance	Creel surveys reinitiated in 2019 with completed discussion and historic data provided in <i>2021 Annual Report</i> (Appendix 47). The number of fisherman reporting successful fishing trips in 2021 was 27. A calendar was issued and participants were interviewed 3 times in the year. Features of the 2021 Hunter Harvest Study included: 1) building long-term relationships between participants and researchers; 2) increasing engagement with participants on social media platforms such as Facebook and Instagram; and 3) increasing incentives for participating in the study (e.g., gas vouchers and prizes).
52. No-fishing policy.	n/a	Active In Compliance	Active In Compliance	No incidents to report in 2021.
53. (Revised) Fish Habitat Monitoring Plan to be developed to also include Phaser Lake.	Results provided annually to NIRB.	Active In Compliance	Active In Compliance	Habitat Compensation Monitoring Plan, Version 4, February 2017: Monitoring every 2 years. Summary of monitoring according to plan is in Appendix 45 of the 2021 Annual Report.
Wildlife and Terrestrial				
54 a, b, c, d. Provide updated Terrestrial Ecosystem Management Plan including requirements for a Hunter Harvest Study.	Results submitted in the annual Wildlife Summary Monitoring Report.	Active In Compliance	Active In Compliance	54 a, b, c, d: Terrestrial Ecosystem Management Plan, Version 7 submitted with 2019 Annual Report and in the <i>2020 Annual Report</i> Agnico Eagle confirmed that this was the version in effect in 2021.
<u>54e</u>		Active In Compliance	Active In Compliance	54e: Hunter Harvest Study started again and had 55 participants in 2021.
<u>54f</u>		No Longer Active Completed	Active In Compliance	54f: Agnico Eagle suspended the waterbird nest survey program in 2013 along the mine site and along the AWAR due to low densities of waterbird nests identified for Meadowbank. At Whale Tail the survey was completed in 2021.
<u>54g</u>		No Longer Active Completed	No Longer Active Completed	54g: The most recent PRISM plot survey was conducted in 2015. In 2019 Canadian Wildlife Service (CWS) requested a detailed analysis of all PRISM and bird transect data and if no effects are evident, the bird monitoring program can be changed as per CWS. The new regional program is pending

<u>Term & Condition</u>	<u>Reporting Requirements</u>	<u>Compliance Achievement 2020</u>	<u>Compliance Achievement 2021</u>	<u>NIRB Comment</u>
				approval and is expected to be enforce in 2021. However, are still being discussed and it is anticipated that the surveys will commence in 2022. The NIRB looks forward to information regarding the start of surveys in the 2022 Annual Report.
<u>54h</u>		Active In Compliance	Active In Compliance	54h: 2021 Wildlife Monitoring Summary Report submitted as part of the <i>2021 Annual Report</i> .
55. Provide Wildlife Summary Monitoring Report including further analysis up to 2007.	Annual Wildlife Monitoring results submitted must include baseline monitoring; effects monitoring; and compliance monitoring.	No Longer Active Completed	Active In Compliance	2021 Wildlife Monitoring Summary Report includes monitoring results for 2021 and is included at Appendix 47 in the 2021 Annual Report.
56. Protection of caribou migration paths, including maps developed in consultation with Elders, HTOs.	Report information on caribou migration corridors annually.	Active In Compliance	Active Deficient - in progress	2020 and 2021 caribou telemetry data was not available for inclusion in the <i>2021 Annual Report</i> . Last update to migration corridors was provided in the <i>2014 Annual Report</i> .
57. Participate in the caribou collaring program as directed by GN-DoE.	n/a	Active In Compliance	Active Deficient -in progress	Agnico Eagle is collaborating with the Government of Nunavut – Department of Environment (GN-DoE) in caribou satellite-collaring program as the per Memorandum of Understanding (MOU) (2017). GN-DoE did not provide Agnico Eagle with the required information in the 2020 or 2021 monitoring season.
58. Design the lighting and use of lights at the mine site to minimize sensory disturbance to wildlife.	n/a	Active In Compliance	Active In Compliance	Met with Baker Lake HTO in 2021 to discuss topics related to wildlife management.
59. Deterrence of caribou at the tailings facility.	n/a	Active Deficient - in progress	Active Deficient - in progress	Met with Baker Lake HTO in 2021 to discuss topics related to wildlife management, it is unclear if deterrents were discussed. The 2022 Site Visit noted no deterrence installed at the tailings storage facility. The NIRB looks forward to an update on the deterrents and/or the achievement of this term and condition has been achieved in the 2022 Annual Report.

<u>Term & Condition</u>	<u>Reporting Requirements</u>	<u>Compliance Achievement 2020</u>	<u>Compliance Achievement 2021</u>	<u>NIRB Comment</u>
60. Stop work policy when wildlife in the area that may be endangered by work.	n/a	Active In Compliance	Active In Compliance	See Whale Tail Pit Project Certificate No. 008, Term and Conditions 27, 28, and 30 for more information. Information included in Appendix 47. Road closures reported in 2022 Wildlife Monitoring Summary Report. For caribou, road closures are related to TEMP caribou decision tree. Note: Agnico Eagle has made some clarification related to road closure and data collection and the NIRB notes that blizzard days are not listed in the data. The NIRB would like clarification if blizzard closures have been included in the data without being identified or if those are separate closure days.
61. Aircraft flight altitudes and corridors to avoid wildlife incorporated into TEMP and Air Traffic Management Plan. Read with term and condition 62F.	n/a	Active Deficient - in progress	Active Deficient– in Progress	Partially incorporated into TEMP, Version 7 (June 2019); and Noise Monitoring and Abatement Plan, Version 3 (June 2018). It is not clear if/how flight corridors have been established and implemented. The NIRB looks forward to more information in the 2022 Annual Report.
62. Develop and implement a noise monitoring and abatement plan to protect people and wildlife from significant mine activity noise. Read together with term and condition 61.	Annually, demonstrate how direction communicated to pilot.	Active Deficient - in progress	Active Deficient- in Progress	Noise Monitoring and Abatement Plan, Version 3 (June 2018). Summary of noise monitoring program results provided in the <i>2021 Annual Report</i> . TEMP states minimum altitude of 300 m for caribou, muskox, and other wildlife; however, the Term and Condition specific to 610 m and it is unclear how direction was communicated to pilots. The NIRB looks forward to information in the 2022 report on this material and submission of a new TEMP.
Socio-economic				
63. GN and INAC form a Meadowbank Gold Mine Socio-Economic Monitoring Committee ("Meadowbank SEMC") and develop terms of reference.	Within six (6) months of issuance of a Project Certificate.	Active In Compliance	Active In Compliance	Related to Project Certificate 004 Term and Condition 68 and Project Certificate 008 Terms and Conditions 44 and 54 for further information. Finalized terms of reference provided March 2019. Referred to as the "Kivalliq SEMC" and includes the Whale Tail Pit Project and Meliadine Gold Mine Project. Supported by Socio-economic Monitoring Working Group (includes GN and

<u>Term & Condition</u>	<u>Reporting Requirements</u>	<u>Compliance Achievement 2020</u>	<u>Compliance Achievement 2021</u>	<u>NIRB Comment</u>
				<p>CIRNAC). In 2020 KIA joined the group and Agnico Eagle presented to the group the 2021 update (Appendix 62).</p> <p>Agnico Eagle proposed new socio-economic indicators for 2022 for cultural and traditional lifestyle, individual and community wellness which includes housing and food security. Agnico Eagle is redesigning the report in 2022 and with the accepted new socio-economic indicators, Agnico Eagle has updated the Socio-Economic Monitoring Plan in Appendix 59 of the 2021 Annual Report.</p> <p>The NIRB looks forward to the new reporting style and update on the information that is collected in the 2022 Annual Report.</p>
64. Develop terms of reference for Socio-economic Monitoring Program.	Within six (6) months of issuance of a Project Certificate.	Active In Compliance	Active In Compliance	<p>Finalized terms of reference provided March 2019. Referred to as the "Kivalliq SEMC" and includes the Whale Tail Pit Project and Meliadine Gold Mine Project. Supported by Socio-economic Monitoring Working Group (includes GN and CIRNAC).</p> <p>Updated Terms of Reference for Kivalliq Socio-Economic Working Group submitted to the NIRB March 2019.</p> <p>Updated plan in 2022 <i>Annual Report</i>, Appendix 59</p>
65. Information on community of origin of hired Nunavummiut.	Annually	Active In Compliance	Active In Compliance	<p>Reported in 2021 Socio-economic Monitoring Program Report.</p> <p>There are new indicators Agnico Eagle is using to collect Data. The NIRB looks forward to more information in the 2022 Annual Report.</p>
Human Health				
66. Establish a nursing station and hire a registered on-site nurse.	n/a	Active In Compliance	Active In Compliance	<p>Temporary nursing station established in 2008 and a permanent station was established in 2011 and was viewed during the site visit.</p>
67. Monitoring of contaminant levels in country foods through a plan developed in consultation with HC.	n/a	Active In Compliance	Active In Compliance	<p>Studies were completed in 2014 and then 2017. Results of the Wildlife Screening Level Risk Assessment and Human Health Risk Assessment (WSLRA/HHRA) for the Consumption of Country Foods were provided in appendices attached to the 2017 Annual Report.</p> <p>Completed every three (3) years, the next update was scheduled for 2020; however, due to COVID-19 restrictions</p>

<u>Term & Condition</u>	<u>Reporting Requirements</u>	<u>Compliance Achievement 2020</u>	<u>Compliance Achievement 2021</u>	<u>NIRB Comment</u>
				<p>the analysis was delayed. The WSLRA/HHRA Plan was updated and submitted in April 2021 (Appendix 48) to reflect latest discussions with ECCC and the field program is anticipated for 2021.</p> <p>Agnico Eagle completed the 2021 Wildlife Screening Level Risk Assessment report as Appendix 46. No contaminants of potential concern were identified during the sampling and a Human Health Assessment was not required.</p>
68. Demonstrate incorporation of Inuit societal values into mine operation policies.	n/a	Active Deficient - in progress	Active Deficient - in progress	<p>Related to Project Certificate 004 Term and Condition 63 and Project Certificate 008 Terms and Conditions 44 and 54 for further information.</p> <p>Multiple meetings and teleconferences with Baker Lake HTO regarding activities at site and along the AWAR.</p> <p>As 2020 had many restrictions due to COVID-19 the NIRB looks forward to updates of how Traditional Knowledge was collected from all HTOs listed in the Terms and Conditions in future reports as well as how this information was incorporated into the projects and plans as appropriate.</p> <p>In the 2021 report Agnico Eagle outlines the application of Inuit Qaujimaningit and Traditional knowledge into Monitoring plans.</p> <p>In 2022 Agnico Eagle is planning to implement a Community Liaison Committee in Baker Lake and this group would also be utilized to review and comment on implementation of the Kivalliq projects Socio-Economic Monitoring Committee.</p> <p>The NIRB looks forward to an update on the group in the 2022 Annual Report as well as how the new indicators are working.</p>
69. Conduct proper archaeological surveys with reporting provided to the GN.	n/a	Active In Compliance	Active In Compliance	No archaeological impact assessment was conducted in 2021.
70. Report any archaeological site discovered during the course of construction, including a burial site, immediately and concurrently to the GN and KIA.	n/a	No Longer Active Completed	No Longer Active Completed	Complete unless new archaeological sites are discovered. No archaeological impact assessment was conducted in 2021.
Air Quality				

<u>Term & Condition</u>	<u>Reporting Requirements</u>	<u>Compliance Achievement 2020</u>	<u>Compliance Achievement 2021</u>	<u>NIRB Comment</u>
71. Install and fund an atmospheric monitoring station to focus on particulates of concern generated at the mine site.	Annually	Active In Compliance	Active In Compliance	The results of the 2021 Air Quality and Dust Monitoring Program conducted by Agnico Eagle was provided in the <i>2021 Annual Report</i> in Appendix 50. Air Quality and Dustfall Monitoring Plan, Version 6, submitted with the 2021 Annual Report.
72. On-site incinerators to comply with standards. Stack testing annually.	Annually	Active Deficient - in progress	Active Deficient - in progress	Incinerator Waste Management Plan (Version 9, March 2022) will continue stack testing. In 2021 testing was completed with some variance in the numbers and in 2022 Agnico Eagle has test results that exceed dioxins and furans. The <i>2021 Annual Report</i> noted an investigation is ongoing to assess the issue. The NIRB looks forward to an update in the 2022 Annual Report.
73. Energy conservation, monitoring of greenhouse gas emissions, and consideration of new technologies to meet Canadian standards.	n/a	Active In Compliance	Active In Compliance	Previous and current initiatives reported. Monitoring results combined with Whale Tail Pit Project (see Project Certificate No. 008, Term and Condition 3).
74. Employ environmentally protective techniques to suppress any surface road dust.	n/a	Active Non-compliance	Active Non-compliance	Utilized adaptive management techniques when following ongoing communication with ECCC and NIRB; Planning to implement public communications and incorporation of Inuit Qaujimajatuqangit regarding dust control. The 2022 Site Visit noted that dust suppressant was only applied to five (5) key areas along the AWAR in 2020 and 2021 and 2022. Based on community concerns in relation to dust along the AWAR the NIRB has requested Agnico Eagle discuss with both Baker Lake HTO and the community to assess the effectiveness of the dust control along the road and if additional dust control locations are needed. The NIRB looks forward to and update in the Proponent's 2022 Annual Report.
Accidents and Malfunctions				
75. Complete list of possible accidents and malfunctions and accident risk assessment for the Project; assessment of risk/mitigation with Elders and affected communities.	n/a	Active In Compliance	Active Deficient - In Progress	Accidents, malfunctions and spills were listed within the <i>2021 Annual Report</i> and the following reports were referenced: <ul style="list-style-type: none"> • Hazardous Materials Management Plan, Version 7, March 2022 (Appendix 55); • Spill Contingency Plan, Version 16, April 2022 (Appendix 27);

<u>Term & Condition</u>	<u>Reporting Requirements</u>	<u>Compliance Achievement 2020</u>	<u>Compliance Achievement 2021</u>	<u>NIRB Comment</u>
				<ul style="list-style-type: none"> • Emergency Response Plan, Version 17, October 2021 (Appendix 31); • Oil Pollution Emergency Plan and Oil Pollution Prevention, Version 15, March 2022 (Appendix 32); • Meadowbank OMS Manual for Tailing Management, Version 10, July 2021 (Appendix 67); • Meadowbank OMS Manual for the dewatering dikes, Version 9; November 2021 (Appendix 68); • Whale Tail OMS Manual for Water Management Infrastructure, Version 2, November 2021 (Appendix 68). <p>Agnico Eagle noted in their 2021 annual report that it states that no public engagement outside the NIRB or NWB process was undertaken.</p> <p>The NIRB notes that in the 2020 Annual Report that Agnico Eagle said Elder and affected community collaboration on risk assessment was completed as best as possible, considering COVID-19 restrictions, via emails, teleconferencing, social media and uploading content onto www.aemnunavut.ca/community/roads.</p> <p>As the NIRB encourages Proponents to discuss modifications to monitoring plans and programs with communities and the NIRB requests information about how this information is communicated and suggestions incorporated into reports.</p>
76. Early Warning Monitoring Program along the east boundary of the Project's local study area (mine and road) including the location where Third Portage Lake flows into Tehek Lake with involvement from Baker Lake and Chesterfield Inlet.	Results to be provided annually.	Active In Compliance	Active In Compliance	Related to the Aquatic Effects Management Program (AEMP). Version 5 (April 2022); and Core Receiving Environment Monitoring Program (CREMP), version 2 (April 2019).
77. Review Emergency Response Plan in coordination with Hamlets of Baker Lake and Chesterfield Inlet.	n/a	Active In Compliance	Active In Compliance	Reported in <i>2021 Annual Report</i> and was completed by email/teleconference or video as able.
Abandonment and Reclamation				
78. Closure and Reclamation Plan.	n/a	Active In Compliance	Active In Compliance	Updated Interim Closure and Reclamation Plan, version 4 (April 2020).
79. Final Closure and Reclamation Plan; additional expectations in addition to NWB requirements.	n/a	Not yet Active Not Yet Applicable	Not yet Active Not Yet Applicable	Updated Interim Closure and Reclamation Plan, version 4 (April 2020).
80. Updates on progressive reclamation and security posted for KIA, INAC and/or NWB.	Annually	Active In Compliance	Active In Compliance	Minimal to no progressive reclamation completed or ongoing in 2021. Summary of opportunities reported in <i>2021 Annual Report</i> .

Term & Condition	Reporting Requirements	Compliance Achievement 2020	Compliance Achievement 2021	NIRB Comment
Other				
81. 24-hour security at the Baker Lake Facility.	n/a	Active In Compliance	Active In Compliance	Viewed during NIRB's 2022 Site Visit
82. Monitor the ingress/egress of ship cargo at Baker Lake and report any accidents or spills immediately.	Annually	Active In Compliance	Active In Compliance	Summary of results reported. The Proponent stated there were no spills in the <i>2021 Annual Report</i> .
83. Adherence to Natural Resources Canada's regulations for explosives.	n/a	Active In Compliance	Active In Compliance	
84. Hamlet of Baker Lake the first right of refusal to purchase salvageable mine assets located within the Hamlet of Baker Lake boundaries.	n/a	Not Yet Active Not Yet Applicable	Not Yet Active Not Yet Applicable	At the end of Mine life.
85. Blasting Monitoring Program.	Annually	Active In Compliance	Active In Compliance	Blast Monitoring Program is in place; no longer active as mining operations ceased in 2019. If any mining operations continue at any time, it is expected that the monitoring program will continue.
Duty to Comply				
86. Duty to Comply to Project Certificate Terms and Conditions.	n/a	Active Deficient - in progress	Active Deficient - in progress	Majority of Terms and Conditions are in compliance; however, the following Terms and Conditions determined non-compliant or deficient for the 2021 monitoring period: 25, 36, 40, 56, 57, 59, 61, 62, 68, 72, 74, and 86.
Monitoring/Water Quality and Waste Management				
87. <i>(New for in-pit tailings disposal modification)</i> Prior to the deposition of tailings into the Portage or Goose Pits, file with the NWB a report containing updated hydrogeological modelling addressing information gaps.	Reporting requirements as determined by water license.	No Longer Active Completed	No Longer Active Completed	2018 Annual Report included the In-Pit Tailings Deposition Thermal Modelling Report (Appendix 19) and the Meadowbank In-Pit Tailings Disposal – Thermal and Hydrogeological Modelling Update to Address Natural Resources Canada's (NRCan) Comments (Appendix 20).

Appendix II Compliance with the Whale Tail Pit Project Certificate No. 008, Amendment 1

Appendix II-1: Board Guidance on General Regulatory and Administrative Responsibilities

<u>Term & Condition</u>	<u>Reporting Requirements</u>	<u>Compliance Achievement 2021</u>	<u>Compliance Achievement 2022</u>	<u>NIRB Comment</u>
General Regulatory Requirements				
1. Appointment of Monitoring Officer(s).	n/a	Active In Compliance	Active In Compliance	Completed by NIRB.
2. NIRB to report annually on the monitoring program (in English, Inuinnaqtun, and Inuktitut).	Annually	Active In Compliance	Active In Compliance	Completed by NIRB in 2021 and 2022 reports will be translated and posted as they are completed.
3. NIRB to conduct periodic community meetings updates regarding its Monitoring Program.	n/a	Active In Compliance	Active In Compliance	The NIRB conducted an in-person community update on July 21, 2022
4. NIRB to schedule periodic site inspections.	n/a	Active In Compliance	Active In Compliance	Completed by NIRB on July 2-24, 2022.
5. Proponent must obtain all required federal and territorial permits and other approvals and shall comply with the requirements of such regulatory instruments.	n/a	Active In Compliance	Active In Compliance	
6. Duty to Comply with environmental laws and regulations and/or regulatory instruments, prompt action to remedy non-compliance and report any non-compliance.	Annually	Active In Compliance	Active In Compliance	Summary of non-compliance provided in the <i>2021 Annual Report</i> as required.
7. Posting of adequate performance bonding.	n/a	Active In Compliance	Active In Compliance	
Monitoring Records				
8. Information requirements for monitoring reporting.	Annually	Active In Compliance	Active In Compliance	Provided Meadowbank and Whale Tail QA/QC Plan, version 7 (March 2021) within 2021 Annual Report (Appendix 54).
9. Make significant monitoring results and/or summaries of significant results available in English, Inuinnaqtun, and Inuktitut, to the extent feasible.	Annually	Active In Compliance	Active In Compliance	Executive summaries for all plan updates, reports and studies were provided in the <i>2021 Annual Report</i> in both French and Inuktitut (Appendix 71).
10. Maintain the records, including results, of all Project-related monitoring data and analysis for the life of the Project, including closure and post-closure monitoring.	n/a	Active In Compliance	Active In Compliance	
11. Maintenance of an up to date the Environmental Impact Statement and the updated environmental monitoring programs	Updated as indicated by new baseline data or monitoring results.	Active In Compliance	Active In Compliance	Erosion Management Plan version 2, December 2018

<u>Term & Condition</u>	<u>Reporting Requirements</u>	<u>Compliance Achievement 2021</u>	<u>Compliance Achievement 2022</u>	<u>NIRB Comment</u>
developed for the Project as new information is collected.				
12. Publicly accessible Project-specific web portal or web page to make available in a central location all significant non-confidential monitoring and reporting information submitted to regulatory authorities.	n/a	Active Deficient - in progress	Active Deficient-in progress	https://aemnunavut.ca/media/documents/ The web portal was updated to contain more of the materials for both sites and is set up by project. Information related to both Projects are available on the Agnico Eagle websites. Facebook page active since 2018 and used in 2020 for public communication as well as with employees. The NIRB continues to encourage Agnico Eagle to make all non-confidential monitoring data available to the public at these new central locations as well as previous Annual Reports as Agnico Eagle references years previous to 2020 in the 2021 Annual Report and this information is not on Agnico Eagle's website.
On-going Engagement in Project Monitoring, Modelling, Management and Reporting				
13. Provide on-going opportunities for consultation and comment on any substantive revisions to the Project-specific monitoring program, modelling, studies, management plans, management measures, and reporting.	Continuous/ongoing.	Active Deficient - in progress	Active Deficient - in progress	The NIRB notes it appears the Proponent considers fulfillment of this Term and Condition through the implementation of other Terms and Conditions related to the monitoring program. The Proponent has noted that the community has had the opportunity to ask questions related to the Project during different public consultations. The Board acknowledges that 2021 was challenging due to COVID-19 restrictions in the Kivalliq Region and looks forward to updates on progress in the 2022 annual report.
14. To the extent feasible, the NIRB will provide an opportunity for comment on any substantive revisions to the Project-specific monitoring, modelling, studies, management plans, management measures, and reporting provided by the Proponent under the Project Certificate.	Ongoing.	Active In Compliance	Active In Compliance	Completed by NIRB.

Appendix II-2: Whale Tail Pit Project Specific Terms and Conditions

<u>Term & Condition</u>	<u>Reporting Requirements</u>	<u>Compliance Achievement 2021</u>	<u>Compliance Achievement 2022</u>	<u>NIRB Comment</u>
Air Quality				
1. Air Quality Monitoring and Management Plan including specific air quality monitoring thresholds that will trigger adaptive management responses and actions. Active and passive monitoring shall be used. Revision: Undertake continuous NO ₂ monitoring downwind of mining activities and comparison to CAAQS.	Annually	Active In Compliance	Active In Compliance	Air Quality and Dust fall Monitoring Plan, Version 6, March 2022, 2021 Annual Report Appendix 51.
2. Mitigation dust impacts on project roads. Includes dust suppression on all project roads.	Annually	Active Non-compliance	Active Non-compliance	Utilized adaptive management techniques when following ongoing communication with ECCC and NIRB; expected exceedances from FEIS Addendum did not occur, as described within the 2021 Annual Report. In 2021 some specific FEIS Addendum model predictions were exceeded for the 25 m downwind location at km 151. At 500 m from the road, the AB-REC guidelines were met. Dust Suppressant is applied along the entire length of the Whale Tail Haul Road and NIRB observed it being applied during the 2022. However, the NIRB observed during the site visit that dust suppressant is not applied on all of the All-Weather Access Road.
Climate and Meteorology				
3. Greenhouse Gas (GHG) Reduction Plan.	Monitoring results reported annually.	Active In Compliance	Active In Compliance	Greenhouse Gas Reduction Plan, Version 3, March 2020. Results summary of the 2020 monitoring program. The Proponent noted that as combined emissions for Meadowbank and Whale Tail were more than 50Kt of CO ₂ equivalent, a report will be submitted to ECCC's Greenhouse Gas Emission Reporting Program in June 2022.
Noise and Vibration				
4. Site design for noise reduction.	Plans 30 days prior to construction activities.	No Longer Active Completed	No Longer Active Completed	Noise Monitoring and Abatement Plan, Version 3, June 2018.
5. Noise monitoring to minimize sensory disturbance to wildlife.	Annually	Active In Compliance	Active In Compliance	Proponent led initiative of having two (2) monitoring events to ensure compliance in case of unforeseen complications with testing was completed as described within the Noise Monitoring and Abatement Plan, Version 4 (December 2018). Analysis found in Appendix 45 of the 2021 Annual Report.
Terrestrial Environment (Geology and Geochemistry)				

<u>Term & Condition</u>	<u>Reporting Requirements</u>	<u>Compliance Achievement 2021</u>	<u>Compliance Achievement 2022</u>	<u>NIRB Comment</u>
6. Hydrodynamic modelling to evaluate mixing of WRSF seepage into Mammoth Lake post-closure. Adaptive management strategies.	Annually	Active In Compliance	Active In Compliance	Hydrodynamic modelling results provided in the 2018 annual report (Appendix 16 – Whale Tail Hydrodynamic Modelling for Mammoth Lake). No additional notes for other life-cycle processes noted within the Terms and Conditions.
7. Mine Waste Rock and Tailings Management Plan.	Updates/revisions submitted annually or as otherwise required.	Active In Compliance	Active In Compliance	Submitted Waste Rock Management Plan, Version 9 is within the <i>2021 Annual Report</i> (Appendix 23) with a verbal commitment to annually report yearly revisions from Regulatory Authorities.
8. Acid Rock Drainage and Metal Leaching Management Plan.	Updates/revisions submitted annually or as otherwise required.	Active In Compliance	Active In Compliance	Revised (January 22, 2021) Operational ARD-ML Sampling and Testing Plan (Appendix 21 available within <i>2020 Annual Report</i>); Thermal Monitoring Plan, (Appendix 25 <i>2021 Annual Report</i>): includes all required elements indicated within Terms and Conditions.
Geological Features, Soils and Permafrost				
9. Site-specific geotechnical investigations.	Annually as applicable	Active In Compliance	Active In Compliance	Submitted Site Specific Geotechnical Studies of 2018, (Appendix 18 of 2018 Annual Report) for all investigations completed up to 2018. Geotechnical Investigations occurred between 2019-2020 within projected IVR D-1 Dike, identifying no sensitive land features. Further information within IVR D-1 Dike Design Report (refer during construction phases).
10. Site-specific permafrost monitoring, mapping and thermal analysis in consultation with INAC and NRCAN.	Annually as applicable	Active In Compliance	Active In Compliance	Thermal Monitoring Report 2021 within the <i>2021 Annual Report</i> (Appendix 25), as per the Whale Tail Thermal Monitoring Plan, Version 4 within 2021 annual report (Appendix 25), identifies and summarizes results obtained from the thermal monitoring program from 2016-2021. Information used infrastructure integrity and potential permafrost degradation.
11. Erosion Management Plan.	Annually as applicable.	Active In Compliance	Active In Compliance	Maintains use of the Erosion Management Plan, Version 2 (December 2018); TSS Indicators and visual inspections were used.
12. The Closure and Reclamation Plan to include a program to progressively reclaim disturbed areas in a manner that demonstrates the Proponent has considered aesthetic values of local communities.	Summary of progressive reclamation and community feedback to be provided annually.	Active In Compliance	Active In Compliance	No details on community feedback or engagement regarding progressive reclamation provided. Whale Tail Pit Interim Closure and Reclamation Plan was submitted to NWB in July 2020 and provided to NIRB in Appendix 51 of the <i>2020 Annual Report</i> .

<u>Term & Condition</u>	<u>Reporting Requirements</u>	<u>Compliance Achievement 2021</u>	<u>Compliance Achievement 2022</u>	<u>NIRB Comment</u>
13. Explore the feasibility of topsoil/organic matter salvage as part of project development and provide updates to the Closure and Reclamation Plan.	Annually	Active In Compliance	Active In Compliance	<p>2020 & 2021 Annual Reports: As per the 2019 Whale Tail ICRP, "active revegetation has not been planned at this time as part of the reclamation plan given the cold climate setting of the Project."</p> <p>Proponent states that research is planned for 2021, and that ongoing studies from the Meliadine Gold Mine Project will inform management of the Whale Tail site. The information is found in Appendix 32 of Meliadine 2020 Annual Report. The March 2022 natural recovery and active restoration of tundra plant-soil systems at Agnico Eagle Mines' Meliadine site, Nunavut is provided in Appendix 30 of the 2021 Meliadine Project Annual Report.</p> <p>In the 2021 Annual Report Agnico Eagle noted that in 2020 a baccalaureate student used their internship to assess the possibility of revegetation in the northern condition and results of the study will be reported in subsequent reports.</p> <p>The NIRB looks forward to reviewing the results of the study completed in 2020 in future annual reports.</p>
Hydrogeology and Groundwater Quantity and Quality				
14. Thermal Monitoring Plan.	Annually as applicable.	Active In Compliance	Active In Compliance	<p>Thermal Monitoring Report 2021 within the 2021 Annual Report (Appendix 25), as per the Whale Tail Thermal Monitoring Plan, Version 4 within 2021 annual report (Appendix 25), identifies and summarizes results obtained from the thermal monitoring program from 2016-2021.</p> <p>Dike-specific information submitted within the 2021 Annual Report Appendix 25.</p>
15. Groundwater Monitoring Plan.	Annually	Active In Compliance	Active Deficient In Progress	<p>Whale Tail 2021 Groundwater Management Monitoring Report within 2021 Annual Report (Appendix 42) contains all required information.</p> <p>Note: Groundwater Monitoring Plan, Version 3 (NWB, May 2019) was referenced for implementation, however, the document was not found. Only Groundwater Monitoring Plan, Version 3 (April 2020) within the 2019 Annual Report was provided.</p>

<u>Term & Condition</u>	<u>Reporting Requirements</u>	<u>Compliance Achievement 2021</u>	<u>Compliance Achievement 2022</u>	<u>NIRB Comment</u>
				As noted last year, please provide referenced/applicable documentation for further reports.
16. Groundwater Monitoring Plan to include hydrogeological characterization to assess potential arsenic diffusion from wall of Whale Tail Pit.	Additional analyses added to Groundwater Monitoring Plan within two years of operations, with updates submitted annually.	Active In Compliance	Active In Compliance	Whale Tail 2021 Groundwater Management Monitoring Report within <i>2021 Annual Report</i> (Appendix 42) contains all required information.
Surface Water Hydrology, Surface Water Quality and Sediment Quality				
17. Monitor surface water quality.	Annually	Active Deficient-In Progress	Active In Compliance	Meadowbank and Whale Tail 2021 CREMP provided with <i>2021 Annual Report</i> (Appendix 33).
18. Site Water Monitoring and Management Plan.	Annually	Active In Compliance	Active In-Compliance	Requirements met within the: Whale Tail Waste Rock Management Plan, Version 9 (April 2022) 2020 Water Management Plan, Version 9 (April 2022)
19. Core Receiving Environment Monitoring Program (CREMP).	Annually	Active Deficient-In Progress	Active In Compliance	Meadowbank and Whale Tail 2021 CREMP provided with <i>2021 Annual Report</i> (Appendix 33). KIA commented that continued monitoring in 2022 was expected. Some core samples collected in August 2021 were discarded by the lab prior to being analyzed. Sampling will be conducted in 2022 to replace the 2021 samples and the next sediment coring program is scheduled for August 2023. The NIRB looks forward to seeing the results of full analysis of 2021/2022 core samples in 2022 annual report to ensure all information is complete and captured.
Freshwater Aquatic Environment				
20. Setback distance between project quarries and borrow pits from fish-bearing or permanent waterbodies.	Annually, throughout quarry development and operation.	Active In Compliance	Active In Compliance	Setback distance (31 meters from high water mark) was incorporated into infrastructure design (past and present) and implemented. Specifications and approvals (5 documents) available within NWB ftp site, and the NIRB looks forward to seeing items posted on Agnico Eagle's website as required.
21. Design of project infrastructures in watercourses that do not prevent or limit the movement of water or fish species in fish bearing streams and rivers.	Annually	Active In Compliance	Active In Compliance	Specifications and approvals (5 documents) available within NWB ftp site, and the NIRB looks forward to seeing items posted on Agnico Eagle's website as required.

<u>Term & Condition</u>	<u>Reporting Requirements</u>	<u>Compliance Achievement 2021</u>	<u>Compliance Achievement 2022</u>	<u>NIRB Comment</u>
				Seepage collection system (intent of mitigating seepage) is ongoing and will be completed/reported in 2022 annual report
22. Blast Monitoring Program.	Annually	Active In Compliance	Active In Compliance	Requirements for the Terms and Condition available in Blast Monitoring Program, Version 7 (January 2022) within <i>2021 Annual Report</i> (Appendix 40). Monitoring for blast-related peak particle velocity and overpressure completed and available in the 2020 Meadowbank and Whale Tail Blast Monitoring Report for the Protection of Nearby Fish Habitat within <i>2021 Annual Report</i> (Appendix 41).
23. Mammoth Lake monitoring of trophic status and/or change.	Annually and 30 days prior to closure.	Active Deficient – In Progress	Active Deficient – In Progress	a) & c) In-Progress: Meadowbank and Whale Tail 2021 CREMP provided with <i>2021 Annual Report</i> (Appendix 33). Commentary with KIA noted continued monitoring in 2022. b) In-Progress: Annual update, Fish Habitat Offset Monitoring Report, is available within the <i>2021 Annual Report</i> (Appendix 44). Proponent filed an updated Fish Habitat Offsets Monitoring Plan for the Whale Tail Site (Version 2) 28 July 2021. In process of gathering data.
24. Fish habitat offsetting viability of Whale Tail Lake and Pit at closure.	Within 60 days of the issuance of the Project Certificate.	Active In Compliance	Active In Compliance	Fish Habitat Offsetting Plan (Appendix 51 of the 2018 Annual Report) Proponent filed an updated Fish Habitat Offsets Monitoring Plan for the Whale Tail Site, Version 2 (July 2021) and continues to await comment. However, Information was collected in 2021 and was reflected in the 2021 annual report and it is anticipated the same will happen for 2022.
Vegetation				
25. Prevention of invasive species.	Annually	Active In Compliance	Active In Compliance	Non-native plant monitoring study completed in 2021. Actions were taken as appropriate and required and a trial for eradication of flixweed was undertaken in 2021 and will be updated in future years. Summary in Appendix 47 of the 2021 Annual Report The NIRB looks forward to information regarding the trials in the 2022 Annual Report.

<u>Term & Condition</u>	<u>Reporting Requirements</u>	<u>Compliance Achievement 2021</u>	<u>Compliance Achievement 2022</u>	<u>NIRB Comment</u>
26. Revegetation strategies to promote progressive reclamation in Closure and Reclamation Plan.	Within three (3) years from the commencement of construction, information regarding the revegetation strategies developed and implemented shall be included in Annual Report to the NIRB. Subsequently, progress shall be provided annually.	Active In Compliance	Active In Compliance	<p><i>2020 Annual Report:</i> As per the 2019 Whale Tail ICRP, "active revegetation has not been planned at this time as part of the reclamation plan given the cold climate setting of the Project."</p> <p>Proponent states that research is planned for 2020, and that ongoing studies from the Meliadine Gold Mine Project will inform strategies at the Whale Tail site. The information is in appendix 32 of Meliadine 2020 Annual Report.</p> <p>The NIRB did not find information related to the topic at the section referenced. The NIRB requests the section number so it can do an assessment of the status of this term and condition.</p>
Terrestrial Wildlife and Wildlife Habitat				
27. Participate in a Terrestrial Advisory Group (TAG). Inuit Qaujimagatuqangit shared by knowledge holders and other monitoring data as available should be considered for incorporation as appropriate.	Finalized Terms of Reference for the TAG shall be provided to the NIRB within six (6) months of issuance of the Project Certificate. A summary of outcomes from Terrestrial Advisory Group meetings to be provided to NIRB in Annual Report.	Active In Compliance	Active In Compliance	<p>Finalized Terms of Reference submitted November 1, 2018. Summary of outcomes provided in <i>2021 Annual Report</i>.</p> <p>Meetings hosted throughout 2021. Discussions included updates to the TEMP caribou monitoring and mitigation for the WTHR and AWAR and changes to mitigation trigger values and methods of calculating Group Size Thresholds. Agnico Eagle stated they used the GN proposal for Group Size Threshold (GST) during the migration seasons.</p> <p>The NIRB looks forward to seeing these updates in the next version of the TEMP.</p>
28. Terrestrial Ecosystem Management Plan (TEMP).	Updates/revisions provided as appropriate. Results reported annually.	Active In Compliance	Active Deficient – in progress	<p>Terrestrial Ecosystem Management Plan, Version 7 submitted June 2019.</p> <p>Agnico Eagle notes that version 7 was submitted in 2019 as part of the Whale Tail Pit Expansion Proposal assessment, and prior to the approval of Amendment 001 of the Project Certificate and is now the plan in effect through 2022.</p> <p>Terrestrial Ecosystem Management Plan, Version 8 was submitted April 22, 2020, but is only in draft form and this version will be discussed with the TAG in 2022 and anticipates submitting an updated version.</p>
29. Collaborate with GN to collect collar data and quantify effects of project components on caribou movement.	Annually	Active Deficient	Active Deficient	2021 caribou collar data was not available for analysis or inclusion into the <i>2021 Annual Report</i> .

<u>Term & Condition</u>	<u>Reporting Requirements</u>	<u>Compliance Achievement 2021</u>	<u>Compliance Achievement 2022</u>	<u>NIRB Comment</u>
30. Caribou group size thresholds (GST) to trigger mitigation.	Annually or as thresholds are otherwise modified.	Active Deficient – in progress	Active Deficient – in progress	Agnico Eagle noted that “ <i>more stringent monitoring and mitigations measures were incorporated into the TEMP</i> ”. Additional study on the parturition rates of caribou is ongoing and additional analysis on the effects of the road to caribou was completed in 2021. Agnico Eagle will continue discussions with the TAG on caribou protection measures in 2022.
31. Traffic monitoring along WTHR via Road Access Management Plan.	Annually	Active In Compliance	Active In Compliance	Whale Tail Haul Road Management Plan, Version 3, April 2020 intended to meet Term and Condition requirement. Summary of traffic rates provided; no exceedances of FEIS predictions noted in 2020.
32. Project infrastructure design for wildlife crossing.	Summaries of engagement with Baker Lake HTO and details of selected crossings to be provided annually.	Active In Compliance	Active In Compliance	Following consultations of Baker Lake HTO, Agnico Eagle re-sloped the WTHR at km 127 and no further concerns have been expressed. Permeability and road designs continue to be discussed at TAG meetings along with alternative methods for observing caribou and other wildlife. Site visit was postponed until the COVID pandemic restrictions were lifted. Agnico Eagle noted that further discussion will be had with the Terrestrial Advisory Group whether additional crossings are required with the expansion of the WTHR, in the 2021 Site Update Report. The TAG site visit was delayed again in 2021 and discussions are expected in 2022. The NIRB looks forward to an update in the 2022 annual report.
33. Wildlife incident reports.	Annually	Active In Compliance	Active In Compliance	Results reported in the 2021 Wildlife Summary Report (2021 Annual Report Appendix 47) and summary provided. Agnico Eagle learned that there were unreported road kills and have made efforts in 2021 to bring awareness to the requirement of reporting all road kills. No road-related grizzly bear, caribou, wolverine or wolf mortalities in 2021. However, a wolverine was killed at a project site.
Birds and Bird Habitat				
34. Migratory Birds Protection Plan.	Annually	Active In Compliance	Active In Compliance	Migratory Bird Protection Plan, Version 3, March 2020 updated based on results of research as recommended by ECCC. Summary of results reported. Audio and visual deterrents were deployed. However preliminary results indicated not effective at deterring birds from nesting and deterrents were not used in 2021.

<u>Term & Condition</u>	<u>Reporting Requirements</u>	<u>Compliance Achievement 2021</u>	<u>Compliance Achievement 2022</u>	<u>NIRB Comment</u>
				The final field season was in 2021 and no further monitoring is scheduled under this plan since flooding and related onsite research studies are complete. (Appendix 47 of the 2021 Annual Report)
35. Species at Risk - monitoring and mitigation strategies.	Annually	Active In Compliance	Active Deficient-In Progress	Agnico Eagle committed to including any applicable status reports, recovery strategies, action plans, and management plans that may become available through the duration of the Projects and consider this during annual review and each new revision of the TEMP. The NIRB looks forward to seeing information related to this topic in the next version of the TEMP, when submitted.
36. Consult with the GN-DoE prior to removal/deterrence of raptors.	Annually	Active In Compliance	Active In Compliance	No removal of raptors conducted in 2021; however, a deterrent was attempted in Quarry 22 but the raptors continued to nest in the area, so bird cannon was removed and nest monitored. During the NIRB's 2022 Site Visit an additional nest was discovered in a communications tower along the WTHR and would be monitored the rest of the season.
Marine Environment including Marine Wildlife and Habitat				
37. Shipping Management Plan.	Updated annually or as required.	Active In Compliance	Active In Compliance	Agnico Eagle has developed and maintained a Shipping Management Plan, Version 4 (April 2022).
38. Ship routing to avoid sensitive wildlife habitat.	Annually	Active In Compliance	Active In Compliance	<i>2021 Annual Report</i> confirms the routing south of Coats Island is being used as the primary shipping route. However, in 2021 there were seven (7) occasions where vessels had a single passage north of Coats Island due to safety concerns of the vessel. They occurred in June/July due to ice conditions and the other two were in September/Oct due to inclement weather.
39. Ship transit setback distance from colonies and aggregations of seabirds and marine mammals.	Annually	Active In Compliance	Active In Compliance	<i>2021 Annual Report</i> confirms mitigation requirements are being followed. A joint Marine Mammal and Seabird Observer Report was developed with Meadowbank/Whale Tail/Meliadine to address ship traffic for all projects in 2021 (<i>2021 Annual Report</i> Appendix 57).
40. Ship-based Marine Mammal Monitoring Program in consultation with DFO, communities and interested parties.	Plan updates submitted annually as required. Annual reporting.	Active Deficient - in progress	Active Deficient - in progress	Marine Mammal Management and Monitoring Plan, Version 4 (April 2021) was submitted in the 2021 Annual Report. Marine Mammal and Seabird Observer Report submitted in <i>2021 Annual Report (appendix 57)</i>

<u>Term & Condition</u>	<u>Reporting Requirements</u>	<u>Compliance Achievement 2021</u>	<u>Compliance Achievement 2022</u>	<u>NIRB Comment</u>
				No marine mammal vessel strikes recorded in 2021. 35 sightings of marine mammals occurred. Monitors were not allowed on barges in 2021 due to the COVID-19 pandemic, monitoring was done by ship crew. The program will continue in 2022 if restrictions are lifted.
41. Notify communities of scheduled ship transits.	Summary of public consultation annually.	Active In Compliance	Active In Compliance	Teleconference was held with Chesterfield Inlet to discuss transit schedule and notes in the 2021 Annual Report.
42. Feedback opportunities for impacts of project-related shipping.	Summary of public consultation annually.	Active Deficient-In Progress	Active Deficient-In Progress	<p>COVID-19 restrictions impacted the degree of public meetings, however there were opportunities to comment via email or teleconference. Community Engagement documentation present within <i>2021 Annual Report</i> Appendix 60.</p> <p>CIRNAC commentary requesting an Inuit Advisory Committee comprised of Baker Lake and Chesterfield Inlet Elders, women, youth, and HTO members for adequate representation during present operations and future endeavors. Proponent began forming the committee in 2020. Details relating to the new community liaison committee in the 2021 annual report and it is hoped that the community coordinators will help collect information.</p> <p>The NIRB looks forward to hearing more about the progress of the community coordinators in the 2022 report, but the NIRB would like to hear a summary of how feedback opportunities for impacts of project related shipping.</p>
43. Contract only certified vessels to carry cargo and ensure shippers are aware of the requirements of the Shipping Management Plan, the Risk Management and Emergency Response Plan, and the Oil Pollution Emergency Plan.	Evidence reported annually.	Active In Compliance	Active In Compliance	Confirmed in <i>2021 Annual Report</i> , only certified vessels hired, and review shipping and emergency plans annually.
Economic Development and Business Opportunities				
44. Participate in the Kivalliq Socio-Economic Monitoring Committee.	Annually	Active In Compliance	Active In Compliance	<p>Related to Project Certificate 004 Terms and Conditions 63 and 68 and Project Certificate 008 Term and Condition 54 for further information.</p> <p>Summary of activities provided in <i>2021 Annual Report</i>. Additional reporting provided in 2021 Socio-economic Monitoring Program Report (Appendix 62 of the 2021 Annual Report).</p>

<u>Term & Condition</u>	<u>Reporting Requirements</u>	<u>Compliance Achievement 2021</u>	<u>Compliance Achievement 2022</u>	<u>NIRB Comment</u>
45. Establish a socio-economic working group and oversee a Kivalliq Projects Agnico Eagle Socio-Economic Monitoring Program.	Terms of Reference (TOR), within one (1) year of Project Certificate issuance; Annual Socio-Economic Monitoring Reports.	Active In Compliance	Active In Compliance	Updated Terms of Reference for Kivalliq Socio-Economic Working Group submitted to the NIRB March 2019. Kivalliq Projects Socio -Economic Monitoring Program Report provided to the NIRB in <i>2021 Annual Report</i> Appendix 59. IN 2020 the Kivalliq Inuit Association joined the group.
46. Develop a project-specific Whale Tail Pit Socio-Economic Monitoring Program including success of existing and newly implemented gender-specific initiatives to determine success or challenges.	Details of the Whale Tail Pit Socio-Economic Monitoring Program within one (1) year of issuance of the Project Certificate and reports annually to the NIRB and shared with the wider KSEMC.	Active In Compliance	Active In Compliance	Kivalliq Projects Socio -Economic Monitoring Program Report provided to the NIRB in <i>2021 Annual Report</i> Appendix 59. The NIRB looks forward to updates on the new indicators and how they are incorporated into the SEMC reporting and planning.
47. Risk of temporary mine closure.	Initial analysis provided within six (6) months. Updates to analyses provided within three (3) months of their completion.	No Longer Active Completed	No Longer Active Completed	Analysis of the Risk of Temporary Mine Closure (September 2018). And there are no updates in the 2021 Annual Report.
Employment, Education, and Training				
48. Staff schedule forecasts that include title, quantity and transferable skills.	Six (6) months prior to each phase of the Project (construction, operations, closure).	Active In Compliance	Active In Compliance	Staff Schedule submitted May 2018 for construction and operations phase staff schedule was sent on April 25, 2019 with updated version on June 25 th , 2019 (<i>2019 Annual Report</i> Appendix 54).
49. Career development including hiring procedures and policies and long-term labour market plans in collaboration with GN.	Annually	Active In Compliance	Active In Compliance	Meetings with GN Career Development Officer and three (3) Family Services representatives at Meadowbank site in 2020; however, follow up meetings were delayed due to COVID-19. In 2021 due to scheduling conflicts and COVID-19 the meetings did not occur. The NIRB looks forward to an update in the 2022 annual report.
50. Labour Market Analysis (LMA) and Inuit Work Barrier Study (WBS), and integration into SEMP. Participate in Kivalliq Socio-economic Working Group and develop Kivalliq Projects Socio-economic Monitoring Program.	Report to Kivalliq SEMC in 2018, and within first years Annual Report to NIRB, including integration into SEMP. TOR within one (1) year, and annual Socio-	Active In Compliance	Active In Compliance	Labour Market Analysis and Inuit work barrier study submitted March 6, 2019 Kivalliq Projects Socio-Economic Monitoring Program submitted June 2019. Updated Terms of Reference for Kivalliq Socio-Economic Working Group submitted March 2019. Kivalliq Projects Socio -Economic Monitoring Program Report provided to the NIRB in <i>2020 Annual Report</i> (Appendix 59).

<u>Term & Condition</u>	<u>Reporting Requirements</u>	<u>Compliance Achievement 2021</u>	<u>Compliance Achievement 2022</u>	<u>NIRB Comment</u>
	Economic Monitoring Reports.			
51. Conceptual Socio-economic Closure Plan.	Plan updated as needed prior to closure with information provided annually.	Active In Compliance	Active In Compliance	<p>Conceptual Socio-Economic Closure Plan, March 2019. In the 2021 Annual Report Agnico Eagle stated that it has established a framework (Figure 40) that would allow completion of the 2019 conceptual plan.</p> <p>In 2022 Agnico Eagle anticipates developing an engagement plan and roles and responsibilities of the internal working group.</p> <p>The NIRB looks forward to updates in future annual reports.</p>
52. Listing of formal certificates and licenses.	The initial listing to be provided within six (6) months of the Project Certificate. Updates to be included annually to the NIRB and shared with KSEMC.	Active In Compliance	Active In Compliance	<p>Initial listing provided December 2018 and within 2018 Annual Report. There have been no updates made since this submission.</p> <p>In the 2021 Annual Report Agnico Eagle provided a breakdown of the Certificates.</p>
Population Demographics				
53. Employee community of residence and relocation.	As part of SEMR annually.	Active In Compliance	Active In Compliance	<p>Summaries provided in the 2021 Socio-Economic Monitoring Report.</p> <p>New indicators are proposed in 2021 and would begin to collect data in 2022.</p> <p>The NIRB looks forward to an update on items in the 2022 Annual Report.</p>
Traditional Activity and Knowledge				
54. Integration and incorporation of Inuit Qaujimaningit into Monitoring Plans.	Annually	Active In Compliance	Active In Compliance	<p>Related to Project Certificate 004 Terms and Conditions 63 and 68 and Project Certificate 008 Term and Condition 44 for further information.</p> <p>Summaries of engagement provided.</p> <p>2021 Kivalliq Socio-Economic Monitoring Report provided to the NIRB in appendix 54.</p> <p>The NIRB notes that it is looking forward to updates in the plan and further information related to integration as there is inconsistency in the report on which plans have</p>

<u>Term & Condition</u>	<u>Reporting Requirements</u>	<u>Compliance Achievement 2021</u>	<u>Compliance Achievement 2022</u>	<u>NIRB Comment</u>
				incorporated Inuit Qaujimagatuqangit in the 2022 Annual Report
Heritage Resources				
55. Archaeological surveys.	Annually	Active In Compliance	Active In Compliance	No archaeological impact assessment was conducted in 2021.
56. Report any archaeological site discovered.	Annually	Active In Compliance	Active In Compliance	No archaeological impact assessment was conducted in 2021.
Individual and Community Wellness				
57. Update Occupational Health and Safety Plan to include sexual health and well-being information, and education program.	Summaries of education programs and updates to plan submitted annually.	Active In Compliance	Active In Compliance	Updated Occupational Health and Safety Plan, December 2018 intended to address Term and Condition. Summary of education program provided in <i>2021 Annual Report</i> in the Kivalliq Projects Socio-Economic Monitoring Report (Appendix 62).
58. Subcommittee for health services in collaboration with GN.	Annually	Active Deficient - in progress	Active Deficient - in progress	An MOU was planned for presentation in 2020 but has been delayed due to COVID-19. Agnico Eagle strives to meet the objectives of the Term and Condition and the NIRB looks forward to future updates. The NIRB notes that the information is not at the location indicated in the report.
59. Cross-cultural training.	Annually	Active In Compliance	Active Deficient-In progress	Summary provided in <i>2021 Annual Report</i> . But the reference is incorrect. The NIRB requests the correct location within the 2021 Annual Report and ensure that the correct location is advised in the 2022 Report.
Community Infrastructure and Public Services				
60. Coordination of ongoing care with community health centers.	Annually	Active Deficient - in progress	Active Deficient - in progress	Proponent notes clinics collaborate with health centres, but information exchange is a challenge. New reporting will be presented in 2022 and the NIRB looks forward to the information and the reception of this information.
61. Home ownership and access to affordable housing.	Annually	Active In Compliance	Active In Compliance	Proponent reports engagement with Nunavut Housing Corporation (NHC) in 2019. NHC currently working on curriculum and tools for financial literacy to be shared with Agnico Eagle. Throughout 2020 GN-Housing met to discuss home ownership options and Agnico Eagle conducted a survey of Kivalliq home

<u>Term & Condition</u>	<u>Reporting Requirements</u>	<u>Compliance Achievement 2021</u>	<u>Compliance Achievement 2022</u>	<u>NIRB Comment</u>
				<p>builders to assess price point as well as current supply and demand. Agnico Eagle also met with NRCan to explore any HVAC innovations forthcoming to accommodate housing with high rate of dwellers and University of Ottawa (Engineering) to update Net Zero Home for the Arctic.</p> <p>In 2021 Agnico Eagle secured funding for 2021 to look at Energy Efficient Worker Housing Program. NRCan and Agnico Eagle made contribution for the program to identify current supply chain gaps and uncover energy efficient and economical solutions for local builders.</p> <p>The NIRB looks forward to updates on the information identified in its 2022 Annual Report.</p>
62. Monitor project-related pressures to community infrastructure.	Annually	Active In Compliance	Active Deficient-in progress	<p>Summary provided in the <i>2021 Annual Report</i> but reference incorrect.</p> <p>The NIRB requests a correct location in the 2021 Annual Report.</p>
Human Health and Ecological Risk Assessment				
63. Methylmercury concentrations in the aquatic environment and potential risk of consumption of fish containing methylmercury.	Summary of results annually.	Active Deficient - in progress	Active Deficient - in progress	<p>Reported in CREMP: Whale Tail 2020 Mercury Monitoring Report (Appendix G) within the <i>2020 Annual Report</i> (Appendix 33, Part 3) as per Mercury Monitoring Plan (Version 2, March 2019).</p> <p>Water and Sediment monitoring was able to occur, fish tissue sample processing and analysis from 2020 was included in the 2021 report and a similar delay in analysis was experienced in 2021. Therefore, the analysis of fish tissues would be included in the 2022 annual report.</p> <p>An increase in mercury levels in lake trout, slimy sculpin, and ninespine stickleback in the impoundment area was expected and is similar to baseline conditions. Testing in 2022 and 2023 will assist in determining if the increase has peaked as per FEIS predictions.</p>
Cumulative Effects				
64. Status of ongoing exploration and/or future phase developments.	Annually	Active In Compliance	Active In Compliance	Status update for 2021 provided in the <i>2021 Annual Report</i> with notes for activities in 2022.
65. Mitigate impacts to migrating caribou by constructing the Whale Tail Haul Road in a manner that facilitates caribou movement across the road.	Final construction plan to the NIRB prior to widening of the WTHR	Not Yet Active Not Yet Applicable	Not Yet Active Not Yet Applicable	There was no widening of the Whale Tail Haul Road in 2021.

<u>Term & Condition</u>	<u>Reporting Requirements</u>	<u>Compliance Achievement 2021</u>	<u>Compliance Achievement 2022</u>	<u>NIRB Comment</u>
	and within 3 months of completion the Proponent must file an as-built report.			
66. To ensure effective communication and safety of community members in the event of unauthorized public use of the WTHR.	Annually	Active In Compliance	Active In Compliance	Information related to announcements and strategies for no contact with Baker Lake is provided in the <i>2021 Annual Report</i> .
67. to evaluate the potential aquatic effects to the alternative effluent discharge locations (Lakes D1 and D5) and downstream.	90 days prior to decision to use alternative effluent discharge alternatives file the requested evaluation. If approved, annual reporting required.	Not yet Active Not Yet Applicable	Not yet Active Not Yet Applicable	Additional Baseline was collected in Lakes D1 and 5 in 2021 but no studies were complete as discharge to these lakes is not considered at this point.
68. Demonstrate accountability for the proponent commitments associated with the Whale Tail Pit Project Proposal and the Whale Tail Pit Expansion Project Proposal.	A status report on implementation within 3 months of issuance of amended PC and annually thereafter.	Active In Compliance	Active In Compliance	Appendix 72 of the <i>2021 Annual Report</i> provides the status of implementation for commitments. The NIRB notes that references included regarding the completion of some commitments are for a plan that is not in effect for the Project currently therefore it is difficult for readers to access the materials to confirm it is complete.