



Order

Nunavut Planning and Project Assessment Act

File: 2023-KIV1-KA-Project Certificate 08 & 04-Order

May 26, 2023

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This document constitutes a Designated Person's Order to Agnico Eagle Mines Limited Meadowbank Division pursuant to sec 214 of the *Nunavut Planning and Project Assessment Act*, 2013 (Act).

Allegations

I, Resource Management Officer Kyle Amsel (RMO Amsel) a Designated Person as appointed by the Minister of Aboriginal Affairs and Northern Development Canada under sec 209 of the Act, have reasonable grounds to believe that:

Between December 30th, 2006 and December 31st, 2021 Agnico Eagle Mines Limited Failed to:

- Implement Caribou Protection Measures
- Comply with the Terrestrial Ecological Management Plan
- Accurately and appropriately report activities

As required under Project Certificate 4, Project Certificate 8, and the Terrestrial Ecological Management Plan made pursuant to Project Certificate 8, contrary to Sec 74(g) of the *Nunavut Planning and Project Assessment Act*.

Reasonable Grounds for Belief

The following are Reasonable Grounds for Belief in support of the allegations:

1. That on March 31, 2003 Cumberland Resources Ltd. (CRL) made an application to the Nunavut Impact Review Board (NIRB) for the Meadowbank Gold Project.
2. On December 30, 2006 Cumberland Resources Ltd. (CRL) received Project Certificate 04 (PC04) for the Meadowbank Gold Project and related infrastructure including but not limited to; the All-Weather access Road connecting the community of Baker Lake, NU and the then proposed Meadowbank Mine.
 - a. Condition/Commitment 56 required the mine be operated in such a way that caribou migration paths through the project be protected.
 - b. Condition/Commitment 57 required CRL to participate in the caribou collaring



- program.
- c. Condition/Commitment 60 required CRL to implement a stop work policy when wildlife in the area may be endangered by the work being carried out whenever practical.
 3. In 2007 Agnico Eagle Mines Limited (AEM) purchased the Meadowbank Gold Project from CRL. In 2009 the PC04 was renamed under AEM.
 4. On April 22, 2015 the "Meadowbank Gold Project 2014 Annual Report" was added to the NIRB Registry pursuant to PC04. Government of Nunavut Department of Environment (DOE) provided the following comments among others to the annual report on June 30, 2015;
 - a. Comment #5 DOE stated that monitoring data was not included in the annual report which prevented an independent review to verify appropriate use of the monitoring program and mitigation measures.
 - b. Comment #8 DOE stated that the methodology and monitoring in the annual report was insufficient.
 - i. Monitoring was indicated to have occurred, but no details as to how, and the supporting data wasn't provided.
 - ii. A lack of appropriate field methods for monitoring programs to accurately capture animal behaviors.
 - iii. AEM either, failed to collect data as stated in the Terrestrial Ecological Management Plan (TEMP) or failed to produce it in the annual report.
 - c. Comment #9 DOE stated that caribou road survey data was not provided and shall be provided into the future. The road survey methodology is also insufficient as it causes disturbance while monitoring for caribou.
 - d. Comment #11 DOE stated that caribou collar data does not show a lack of impact from the AWAR outside of 1km, but further data must be collected.
 5. On May 2, 2016 the "Meadowbank Gold Project 2015 Annual Report" was added to the NIRB registry pursuant to PC04. DOE provided the following comments among others to the annual report on June 3, 2016;
 - a. Comment #1 DOE stated that the methodology of road surveys is inadequate. Like in the 2014 review, having the driver of the road survey look for wildlife influences the ability of spotting wildlife while actively driving.
 6. On March 15, 2018 AEM was issued Project Certificate 08 (PC08) for the Whale Tail Pit Project. PC08 includes continued use of the All-Weather Access Road (AWAR) and the construction of the Whale Tale Haul Road (WTHR).
 - a. Term and Condition 27 was implemented "To establish an advisory group to provide technical oversight on the Project's mitigation, monitoring, and adaptive management measures related to the protection of wildlife." The Term and Condition states:

The Proponent shall participate in a Terrestrial Advisory Group with the Government of Nunavut, the Baker Lake Hunters and Trappers Organization, the Kivalliq Inuit Association, and other parties as appropriate to continually review and refine mitigation and monitoring details within the Terrestrial Ecosystem



Management Plan. Additional caribou collar data, results from associated studies, Inuit Qaujimajatuqangit shared by knowledge holders, and other monitoring data as available should be considered for incorporation as appropriate.

- b. Term and Condition 28 was implemented "To mitigate, monitor, and adaptively manage potential impacts to wildlife" (including caribou). The Term and Condition states:

The Proponent shall maintain a Terrestrial Ecosystem Management Plan (TEMP) throughout all phases of the Project. The Plan shall include detailed monitoring, mitigation, and adaptive management measures for wildlife, with consideration for each Project activity predicted to affect wildlife, and with inclusion of specific triggers for mitigation and adaptive management intervention. The TEMP shall demonstrate consideration for all relevant Nunavut Impact Review Board Page 33 of 56 Project Certificate No. 008, Amendment 001 commitments made by the Proponent throughout the Nunavut Impact Review Board's review of the Project.

Updates to the TEMP may be required when there are significant changes in project development plans, monitoring results indicating biologically meaningful changes, significant updates to the scientific understanding of management methods relevant to wildlife at the project site, Inuit Qaujimajatuqangit, Traditional Knowledge, changes in climatic conditions that might subject wildlife to unexpected impacts, or as otherwise necessary.

- c. Term and Condition 29 was implemented "To reduce uncertainty associated with the potential impacts of the Project, including the haul road, as well as of the Meadowbank Gold Mine and its All-Weather Access Road on caribou and thereby improve caribou protection measures." The Term and Condition states:

The Proponent shall, in collaboration with the Government of Nunavut, collect additional caribou collar data and conduct analyses of this data to quantify the zone of influence and associated effects of project components on caribou movement for a study area that includes the Whale Tail mine site, the haul road, the Meadowbank Gold Mine and its All-Weather Access Road.

Further the following commentary was provided by NIRB:

The Government of Nunavut's caribou collaring and caribou monitoring data will assist the Proponent in completing Project effects monitoring. While the Government of Nunavut will facilitate the collection of necessary collaring and caribou monitoring data that relates to the Government of Nunavut - Kivalliq Ungulate Monitoring Program for the fulfillment of this Term and Condition, the Government of Nunavut will not be responsible for costs associated with fulfilling



the “zone of influence and associated effects of project components” analysis stated in the Term and Condition.

7. On May 16, 2018 the “Meadowbank Gold Project 2017 Annual Report” was added to the NIRB registry pursuant to PC04. DOE provided the following comments among others to the annual report on June 22, 2018;
 - a. Comment #2 DOE stated that the methodology of the road surveys is inadequate. DOE notes that the use of road surveys does not provide accurate data to determine caribou herd deflection.
 - b. Comment #3 DOE stated that the interpretation by AEM of caribou collar data was incorrect and statements made in the annual report are inconsistent regarding caribou and Muskox.
 - c. Comment #5. AEM wrote in Appendix G9 of the annual report that “no exceedances of thresholds related to noise on the mine site (i.e. sensory disturbance) for wildlife”. The Wildlife Summary Report does not speak to sensory impacts to wildlife. DOE states that the comments appear unsubstantiated.
8. On April 9, 2019 the “Meadowbank Gold Project 2018 Annual Report” was added to the NIRB registry pursuant to PC04 and PC08. Below is a summary of the comments DOE provided on May 27, 2019;
 - a. Comment #2 DOE stated there are several issues with the implementation of PC08 Term and Condition #28 based on the reviewed data from the annual report, namely;
 - i. Caribou monitoring and mitigation data did not match thresholds and seasons as defined in the TEMP
 - ii. Season’s used to interpret data garnered from the caribou satellite collaring program did not match those indicated in the TEMP.
 - iii. Thresholds indicated by AEM to have been exceeded in the annual report are not included in the TEMP. These thresholds include; caribou using habitat further than 1km from roads naturally, caribou using habitat further than 500m from all mine infrastructure naturally.
 - b. Comment #3 DOE stated that although the annual report states that road surveys are to be increased to every two days during migration, one survey occurred during the spring migration on the Whale Tail Haul Road (WTHR). This is inconsistent with the TEMP. AEM did not provide any explanation for this discrepancy.
9. The 2018 Annual Report Appendix 45 “Meadowbank and Whale Tail 2018 Wildlife Monitoring Summary Report” was reviewed by RMO Amsel. The following was learned;
 - a. In Section 3.6 the data for the road survey is presented. The following discrepancies are noted;
 - i. Incorrect seasons used in the annual report when compared to the set seasons and sensitive seasons in the TEMP
 - ii. Incorrect time frames used for data collection (one survey period started in April not at the beginning of the year) which caused misleading



statistical analysis.

- iii. One road did not receive any road surveys in summer contrary to TEMP.
 - b. Appendix C "2018 Wildlife Mitigation Documentation" Is a list of correspondence emails from persons within AEM to other AEM group emails and others.
 - i. The Correspondence appears to denote daily instances of road closures, however only on occasion provides minimal data (eg. caribou between km 1.5 and km 3.5). No data on herd size, distance from road, direction of travel, duration of closure or reason for re-opening of road etc. is provided.
 - ii. Several instances include the closing of a road while still allowing road maintenance equipment on the road, allowing supervisor escorts to support activities in certain areas etc. These management and mitigation methods are not reflected in the TEMP.
Eg. On April 27, 2018 Jacques Fortier (an unknown AEM staff member) sent an email to Meadowbank AEM and Meadowbank Contractors. The subject being "CARIBOU MIGRATION NO TRAFFIC TO OR FROM VAULT OR AMARUQ". The email stated among other items "small to moderate aggregation of caribous (i.e., 1-50 animals) are observed within 100 m of the road, travel speeds should be reduced to 30 km/hr and beacon lights closed. "(This email was included in the appendixes) During this time of year the Group Size Threshold (GST) for caribou is 14. A herd of 14 or more caribou within 1.5km of the Whale Tail Haul Road triggers a closure of all non-essential vehicles.
 - c. The entirety of Appendix C is not ordered by any discernable means and appears to have been compiled at random. This data has little value upon review to determine compliance with the TEMP.
 - d. A total of 7 pages are included in Appendix G for Height-Of Land Surveys and "Whale Tail Road Wildlife Survey Field Sheets". The document shows that a total of 9 Height-Of Land Surveys were conducted. 6 pages for Road surveys are included, though of the 6 only 3 have dates and it appears the document may also be used for the Height-Of Land Surveys. This does not meet the monitoring requirements in Section 3 of the TEMP.
10. On April 21, 2020 the "Meadowbank Gold Project 2019 Annual Report" was added to the NIRB registry pursuant to PC04 and PC08. Below is a summary of the comments DOE provided on July 6, 2020;
- a. Comment #1 DOE stated that AEM failed to implement commitments made during NIRB hearing in the TEMP to record and provide helicopter flight data (such as in the form of GPS tracks).
 - b. Comment #2 DOE stated that AEM provided commentary on caribou movements in relation to road infrastructure without any supporting data and goes so far as to blame DOE for disrupted caribou movements in 2018. DOE stated "Drawing important conclusions regarding environmental effects without presenting evidence is a concerning trait that leads to unnecessary confusion and disinformation amongst reviewers, regulators and the public at large.



Conclusions presented in annual monitoring reports should be based on data, analyses and fact-based interpretations of results only.”

- c. Comment #4, DOE states that AEM needs to provide clarity in the way road data is tabulated and presented to determine how road use compares to the Project’s Final Environmental Impact Statement (FEIS).
- d. Comment #6 DOE states that AEM’s statement that the caribou decision tree’s were followed is unclear. The presentation of data by AEM makes it difficult to confirm compliance and is contrary to a commitment made by AEM to resolve this issue in annual reporting.
- e. Comment #7 DOE states that despite difficulty in AEM’s poor presentation of data a review of caribou Protection Measures (CPM) was undertaken. Upon the review it was found that CPM were not implemented as required on 40 days over 2019 as required under the TEMP. Also where closures did occur the “daily ride” and convoys still used the closed roads.
- f. Comment #8 DOE states that AEM has not made any recommendations or indications on any plans for future acquisition of collar data which will assist CPM. AEM should specify how many collars and on which herd will be needed in the future. This failure by AEM to specify it’s satellite collar needs and relying solely on the GN’s established collar program will reduce AEM’s ability to make appropriate mitigative decisions for CPM. By AEM not investing in the Satellite-collar program AEM is non-compliant with PC08 Term and Condition 28 and Term and Condition 29.
- g. Comment #9 DOE states that, AEM’s statement that impacts to caribou were successfully mitigated and decision trees from the TEMP were appropriately applied is not grounded in the data or science, but tenuous and of low confidence. The methods used to detect caribou is very limited and well below distance thresholds used in the TEMP.
 - i. AEM’s data shows that 91% of caribou observations were on the side of the roads where caribou were migrating from. If the road was not an obstruction caribou observations would be even on both sides of the road.
 - ii. The majority of caribou observations (77% on WTHR, 92% on AWAR) were within 500m during road surveys conducted in spring. This data demonstrates a detection range lower than the 4km and 1.5km distance thresholds used to make decisions in the TEMP. This further demonstrates that road surveys are not effective means of implementing CPM.

11. The “MEADOWBANK MINE 2019 WILDLIFE MONITORING SUMMARY REPORT” was reviewed by RMO Amsel. The following was learned;

- a. The report provides surface area calculations for the Local Study Areas (LSA) and Regional Study Area (RSA) which do not match.
- b. The report states AEM is to provide a mitigation audit. This is not included.
- c. Several maps in the document show the AWAR and WTHR but does not include the Vault Haul Roads for unknown reasons.



- d. In section 3.4, methodology of Road surveys, the adding of pulling over safely at the next road pullout is inconsistent with the TEMP which does not include the “next road pullout”. Doing road surveys only to next road pullouts may skew data interpretations.
 - e. In section 3.5 AEM plainly states that it is not conducting road surveys as required in the TEMP, some roads had periods between surveys as high as 20.3 days.
 - f. In 3.6.1 AEM states “In 2019, caribou numbers recorded on AWAR surveys were significantly higher than in 2018 and any of the other years that the road surveys were conducted (Figure 3.5). The average number of caribou observed per survey trip in April and October was the highest since surveys began indicating a strong spring and fall migration through the study area (Table 3.3). The frequency of caribou observed during the remainder of the year was relatively consistent with low numbers in midwinter (i.e., December through March) and mid-summer (June to September) (Table 3.3).” This statement is factually incorrect and misleading. A review of the data table indicated shows that the highest number of caribou observations per AWAR road survey during the month of October occurred in 2010, when 197.2 caribou per road survey were observed (compared to 145.8 caribou per survey in 2019)(Table 3.3). Further, when the average caribou per road survey is averaged for the years provided in table 3.3, the highest observations per survey occurred in 2013 when 50.8 caribou per road survey were observed (compared to 28.6 per road survey in 2019).
 - g. A review of Table 3.9-3.11 was undertaken. 94 full days of road closure occurred. Without consideration for the 1 occasion where KIA assisted AEM with a road convoy during closure or the 1 occasion where Environment conducted a road survey during closure a total of 92 full days of closure occurred. During those 92 days, 82 of those days did not respect the road closure and allowed such things as, Convoys, daily rides, food truck etc.
12. On April 16, 2021 the “Meadowbank Gold Project 2020 Annual Report” was added to the NIRB registry pursuant to PC04 and PC08. Below is a summary of the comments DOE provided on June 25, 2021;
- a. Comment #1 DOE states AEM has provided Helicopter traffic data for the first time in the 2020 annual report, (though committed to for both 2018 and 2019). The provided data is however inefficient in being able to determine the potential impacts to wildlife. RMO Amsel reviewed the data and found it only provided; date, distance flown in Nautical Miles (a unit of measure not used in the TEMP or any other AEM document) and total flight hours. This is inconsistent with an AEM commitment to provide more accurate flight data. In 3.5.7 an average altitude of 247.2m is provided showing that the applicable data was collected and not presented to regulators for unknown reasons and that helicopters were flying below the 300m minimum altitude as stated in the TEMP.
 - b. Comment #3 AEM shows that there was a significant increase in the number of wildlife deterred from project sites, however no incident reports were provided



in the annual report. DOE states that without the presence of the wildlife incident reports it is not possible to make an assessment on the project's management practices and how they affect wildlife. DOE further notes "an incident on April 29th during which 5 caribou grazing 150m west of the Whale Tail Haul Road were deterred. It is unclear why or how these caribou were deterred"

- c. Comment #4 DOE states that Mine and Pit surveys were not performed as required in the TEMP. No information as to the actual number of pit and mine surveys is included and it is difficult to differentiate between those observations which occurred during surveys or those incidental to regular work being carried out. No location or distances from infrastructure is provided for each observation.
 - d. Comment #6 DOE states that AEM labelled more than 22,000 caribou most of whom were migrating as "Project Tolerant" causing a misuse and misapplication of the TEMP and allowing project activities to continue un-fettered. This caused CPM intended to reduce disruptions to migrating caribou to not be applied. DOE considers this an abuse and misuse of certain TEMP provisions and an issue of Non-Compliance with PC08. Further DOE states;
 - i. The creation the "Project Tolerant" status is "to ensure these animals did not unnecessarily restrict Project operations." However DOE states that tens of thousands of caribou were designated as Project Tolerant.
 - ii. No evidence was provided to show that these large numbers of caribou are Project Tolerant.
 - iii. No evidence was provided to show how observers were able to distinguish caribou in one location compared to caribou moving through the area.
 - iv. AEM should have closed roads in accordance with the TEMP and after confirming after 48 hours that a group of caribou were not leaving then designating them as Project Tolerant, however AEM failed to close the roads.
 - v. AEM generally failed to initially close roads when required under the TEMP.
 - e. Comment #7 DOE states that AEM feels they implemented CPM appropriately however the information provided demonstrates that CPM were not implemented in most cases. Despite seeing 3-5 times the amount of caribou during the spring survey in 2020 compared to 2019 the road was only closed a total of 10 days compared to 34 days of total or partial closure in 2019. AEM provided information which shows roads should have been closed a minimum of 31 days up to 41 days and failed to do so. This shows AEM is compliant with the TEMP's CPM in so far as road closures 24-31% of the time.
13. The 2020 "Meadowbank and Whale Tail 2020 Wildlife Monitoring Summary Report" was reviewed by RMO Amsel. The following was learned;
- a. Table 9 as summary of road closures from Ungulates provides little information at to the number of caribou observed but only states "Groups larger than GST".



In some cases more information is available in the comments.

- b. In 2.6.5 AEM states "Convoys were organized by Environment staff, which had the training to decide whether vehicles could continue along the road when caribou were sighted." There is no provision for Convoys in the TEMP's decision trees.
- c. In 2.6.6 AEM states that on 15 occasions caribou were determined to be Project Tolerant. It appears the "Project Tolerant" status is being applied to caribou incorrectly, eg.
 - i. On April 7, 360 caribou were observed crossing the WTHR that are deemed "Tolerant Observations". 300 caribou at km 110, 50 caribou at km 132 and 10 caribou at km 119 (Table 11). Appendix A of Wildlife observations shows that a total of 129 caribou were observed on the WTHR on this day. In Table 1 Appendix B a total of 719 caribou were designated as Project Tolerant. If the 156 caribou observed on the AWAR are included with those observed on the WTHR the total is 516 caribou, though the caribou on the AWAR were not deemed project tolerant. This leaves 203 caribou that are deemed Project Tolerant, un-observed. These numbers are inconsistent and RMO Amsel is unsure how more caribou were deemed Project Tolerant than were observed. As caribou were not appropriately demonstrated to be Project Tolerant the reopening of the WTHR on April 7, at 11 AM was not compliant with the TEMP (Table 10).
- d. In 2.6.6 AEM presents Table 11 as a demonstration that caribou were crossing project related roads. RMO Amsel questions how this data was differentiated as crossing roads rather than caribou observations (such as animals stuck on one side of the road) eg.
 - i. On September 13, 100 caribou are noted to have crossed the WTHR. In the notes it states "Wildlife Log". Upon review of the Wildlife log a total of 19 caribou observations were noted which represented a total of 522 caribou observations. It is unclear how AEM was able to make the determination that any of these caribou were or were not crossing the road.
- e. In 2.6.6 a Total of 43,244 caribou on the AWAR and 17,172 on WTHR were documented. Of those observations 10,167 and 12,173 were deemed Project Tolerant. AEM suggests that 36% of all recorded caribou interacting with the roads would be project tolerant, despite not providing any evidence.
- f. In 3.5.2 AEM states "Wildlife deterrents are implemented when habituated or problematic wildlife pose a threat to the wildlife or Mine personnel through human-wildlife conflict. Necessary deterrent strategies are determined and implemented by the Environment Department based on the severity of risk and the nature of the interaction." In Table 16 it states that on April 29, 5 caribou located 150m West of Km 176 on the WTHR which were grazing were successfully deterred. RMO Amsel fails to see how or why 5 grazing caribou pose a threat to the safety of other wildlife or mine personal. These caribou were deterred during the spring "sensitive season".



- g. 3.5.6 states “All incident reports, observations, deterrence activities, and environment team responses to predatory mammal sightings are included in Appendix D”. A total of 7 wildlife mortalities are reported and 43 instances of animal deterrence. Appendix D showcases only one wildlife incident report for the destruction a Wolverine on January 21.
14. On May 10, 2022 the “Meadowbank Gold Project 2021 Annual Report” was added to the NIRB registry pursuant to PC04 and PC08. Below is a summary of the comments DOE provided on June 30, 2022;
- a. Comment #1 AEM committed to NIRB in 2017 ““The Proponent shall revise the Project’s TEMP to include a program to monitor and report helicopter traffic associated with the Whale Tail project (including existing Meadowbank infrastructure) and all associated exploration activities so that the spatial scale and intensity of this activity can be documented. This should include the collection and analysis of GPS track logs for all helicopter flights contracted by the Proponent.” DOE states the provided data shows that AEM is non-compliant with the TEMP, flying at altitudes below 300m. AEM provided the explanation that some flights occurred lower to provide for environmental monitoring information, yet no information as to which flights were used for this purpose or should be exempted with this justification was provided.
 - b. Comment #3 DOE states that AEM has again failed to implement CPM as required in the TEMP. DOE reviewed AEM’s provided data and found that in 2021 a total of 22 days when speed restriction (which is not covered in the TEMP) or the road was completely open while caribou exceeding the GST were present within 1.5km of the roads contrary to the TEMP. Further it is unclear if other road closure days represented a complete closure for the full 24hr period of the calendar date provided. There is no information provided to explain what rational went into re-opening the roads and what, if any required consultation occurred. DOE provides evidence that disrupting the migration paths of caribou has in the past caused rapid population collapses.
15. The 2021 “Agnico Eagle Mines Limited - Meadowbank Division 2021 Wildlife Monitoring Summary Report” was reviewed by RMO Amsel. The following was learned;
- a. In 3.6.8 a total of 17 Project Tolerant caribou were noted in the 2021 report, a significant difference to the 2020 report which recorded 22,340 Project Tolerant caribou.

Measures to be Taken

Pursuant to sec 214 (1)(a) and (b) of the Act, I hereby order Agnico Eagle Mines Limited to take the following action to ensure compliance with the Act and applicable Project Certificates;

Agnico Eagle Mines Limited shall implement diligently the Terrestrial Ecological Management Plan Version 7, and any version thereafter that has been approved by regulators. This includes but is not limited to:

- a. Full implementation of road closures as required in Figure 7 & 8 of the Terrestrial



Ecological Management Plan Version 7 for all Non-Essential vehicles.

The Law

Nunavut Planning and Project Assessment Act S.C. 2013, c. 14, s. 2

Non-Compliance of Project

74 It is prohibited to carry out a project, in whole or in part, if

- (a) a project proposal has not been submitted to the Commission in accordance with section 76;
- (b) the assessment of the project under this Part has not been completed;
- (c) the assessment of the project has been terminated under subsection 141(2), 142(2), 143(4) or (6) or 144(3);
- (d) the Commission has determined, under section 77, that the project is not in conformity with any applicable land use plan and no minor variance or ministerial exemption has been granted under paragraph 81(2)(a) or 82(2)(a), as the case may be;
- (e) the responsible Minister has decided either that the project could be modified and an amended project proposal submitted to the Commission or that it is not to proceed;
- (f) the project is not carried out in accordance with any requirement identified, under subsection 48(4), in any applicable land use plan, other than a requirement in relation to which a minor variance or a ministerial exemption has been granted under paragraph 81(2)(a) or 82(2)(a), as the case may be; or
- (g) the project is not carried out in accordance with the terms and conditions set out in the original or amended project certificate.

Orders

- 214 (1) If a person designated to verify compliance or prevent non-compliance with this Act believes on reasonable grounds that there is a contravention of this Act, they may, among other things, order a person or entity to
- (a) stop doing something that is in contravention of this Act or cause it to be stopped; or
 - (b) take any measure that the designated person considers necessary in order for the person or entity to comply with this Act or to mitigate the effects of the contravention.

Offence and Punishment

- 219 (1) Any person who contravenes section 74, subsection 147(2), 152(7) or 208(5) or an order made under paragraph 214(1)(a) or (b) is guilty of an offence punishable on summary conviction and is liable to a fine of not more than \$100,000 or to imprisonment for a term of not more than one year, or to both.
- (2) Any person who contravenes section 217 or 218 is guilty of an offence punishable on summary conviction and is liable to a fine of not more than \$100,000 or to imprisonment for a term of not more than one year, or to both.



(3) If an offence under subsection (1) is committed or continued on more than one day, it constitutes a separate offence for each day on which it is committed or continued.

(4) A person may not be convicted of an offence under subsection (1) if they establish that they exercised due diligence to prevent the commission of the offence.

Conclusion

AEM has on multiple occasions failed to meet its obligations under the Act and the two Project Certificates for the Meadowbank Gold Project in the Nunavut Territory. AEM has failed to close roads as required while migrating Caribou are passing, despite presenting data in annual reporting which clearly lays out Caribou road crossing events only occur during road closures with few exceptions. For these reasons Crown-Indigenous Relations and Northern Affairs Canada has made the determination to issue this Order pursuant to the Act to prevent any further harm to Caribou in the area related to non-compliance and willful disobedience by AEM.

Signature of the Designated Person

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