



April 19, 2023

Nunavut Planning Commission
PO Box 1797
Iqaluit, NU X0A 0H0

Re: Request for Conformity Determination – Agnico Eagle’s 2023 Modification

Dear Mr. Djalogue

Agnico Eagle Mines Limited (Agnico Eagle) currently operates the Whale Tail Mine in accordance with Nunavut Impact Review Board (NIRB) Project Certificate No. 008 and Nunavut Water Board (NWB) Water Licence 2AM-WTP1830. The Whale Tail Mine received positive conformity determination by the Nunavut Planning Commission (NPC) and referral to the NIRB on October 16, 2018, which confirmed the Whale Tail Mine conforms to the Keewatin Regional Land Use Plan (KRLUP).

As set out in the enclosed materials, Agnico Eagle is planning to proceed with certain mine plan activities, including the continuation of the Whale Tail Pushback, continuation of the IVR Pushback, and temporary storage of saline water in IVR Pit (referred to as the 2023 Modification). We interpret the 2023 Modification as included within the scope of the original NIRB assessment and therefore should not be considered a “significant modification” of the Whale Tail Mine under the *Nunavut Project Planning and Project Assessment Act* (NuPPA).

All activities of the 2023 Modification will occur in the existing permitted mine footprint but does trigger the need to make changes to existing management plans regulated under Water Licence 2AM-WTP1830 (i.e., Waste Rock Management Plan and Water Management Plan). Agnico Eagle is therefore requesting that the NPC confirm that the application can proceed directly to the NWB for consideration with respect to the necessary management plan updates.

Agnico Eagle submitted a similar modification to the NWB in 2021 (Agnico Eagle 2021a); whereby the NPC determined the activity to be exempt from a NIRB assessment (NPC File No. 149515). During that process, Agnico Eagle provided an operational update to inform the NIRB on potential monitoring implications and updates associated with management plans that are also subject to terms and conditions of the Project Certificate. It is anticipated the same process would be applicable and followed for this Modification.

Further details of the proposed 2023 Modification are provided below.

1. Description of Planned Activities

Agnico Eagle has advanced engineering and design to include the:

- Continuation of Whale Tail Pushback in the southwest portion of the Whale Tail Pit
- Continuation of IVR Pushback in the south portion of the IVR Pit
- Temporary storage of saline water in the east lobe of IVR Pit

The exploitation of open pit deposits usually takes place through a series of mining phases, commonly known as pushbacks. In open pit metalliferous mining, each pushback considers the extraction of one or more benches simultaneously in a process where the core operational tasks include: drilling, blasting, loading, and hauling. For clarity, a pushback represents an area that can be mined in a single continuous operation as defined within the Ultimate Pit. It is used for different reasons, such as to access additional ore. A pushback is not an additional deposit, or standalone pit, but rather a continuation of the mining ore zone. A pushback should be considered as an adjustment of the pit footprint based on a better understanding of the geological and/or geotechnical properties of a pit.

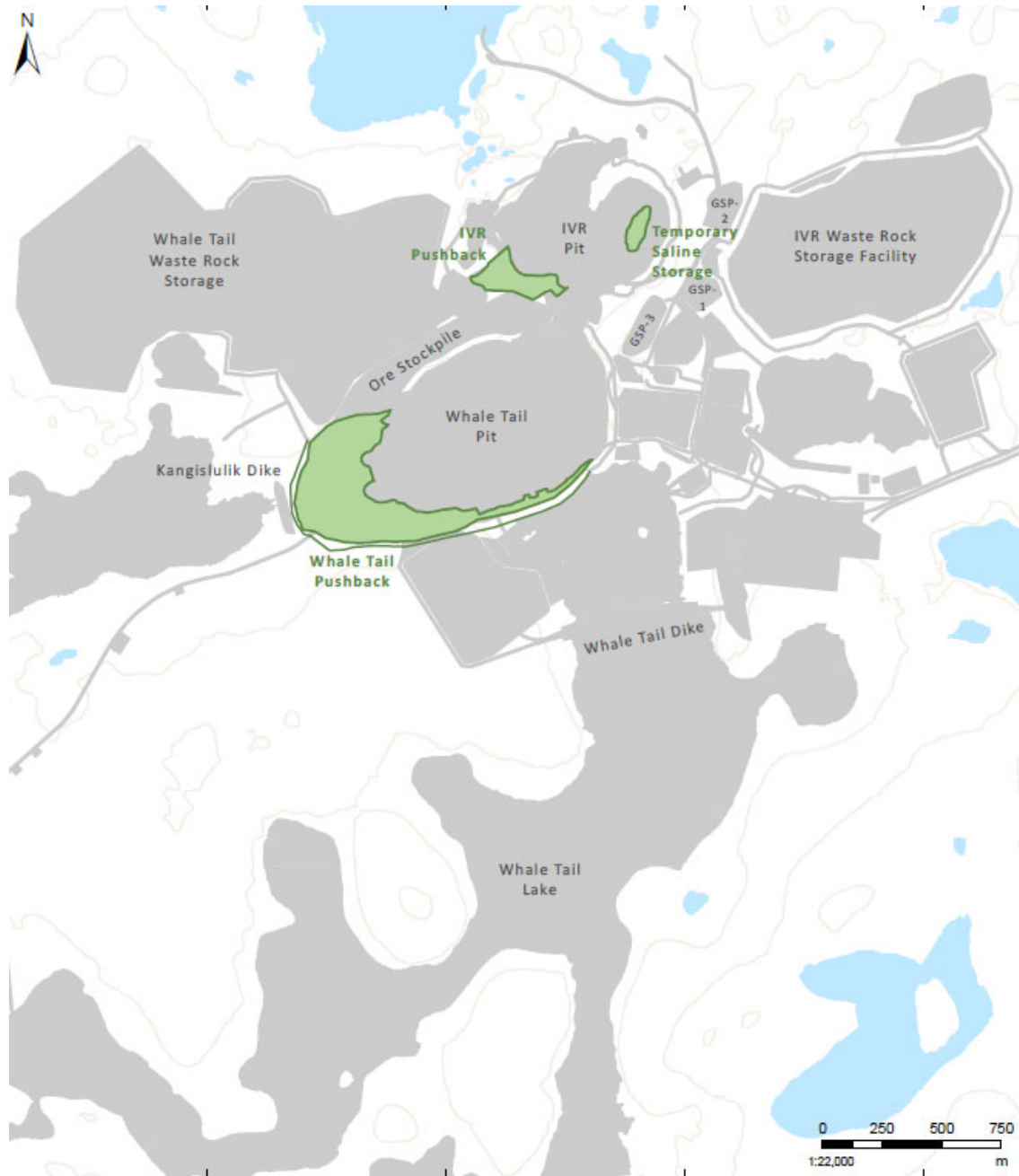
Activities for the 2023 Modification are located within the approved Whale Tail Mine footprint (Project Certificate No. 008, Amendment 001), as presented in Figure 1.

Following required approvals, the continuation of the Whale Tail Pushback and IVR Pushback would initiate in Q3 of 2023. There are no changes to the overall operations phase as currently authorized under Water Licence 2AM-WTP1830.

It is important to note that waste material generated from the continuation of the Whale Tail Pushback and IVR Pushback will not increase the overall approved and permitted Whale Tail Mine tonnage. Waste rock generated from the continuation of the Whale Tail Pushback and IVR Pushback will be disposed of in the approved Whale Tail Waste Rock Storage Facility (WRSF), which is designed to accommodate waste rock and overburden generated from the Whale Tail and IVR pits. No change is anticipated to the Whale Tail WRSF as a result of the 2023 Modification.

Agnico Eagle has identified the need to temporarily store saline water in IVR Pit (i.e., the east lobe in IVR Pit), starting in July 2024 until the end of operations (i.e., 2025). The saline water would be temporarily stored for 2 years and then returned underground at the end of the mine life. Agnico Eagle is approved for the development of up to three Groundwater Storage Ponds (GSP1 is currently in operation); however, given the short storage duration identified, Agnico Eagle proposes to utilize existing impacted areas and infrastructure rather than creating new disturbance. Storing saline water in IVR Pit was listed as an alternative action within the Adaptive Management Plan (Agnico Eagle 2021b). All other existing water management infrastructure will be able to manage the activities and no new water management infrastructure is anticipated.

Figure 1: Approved Whale Tail Mine and 2023 Modification



Whale Tail Mine

Approved Infrastructure and 2023 Modification

Date: 3/27/2023
 Map Number: MBCM-056
 Coordinate System: NAD 1983 UTM Zone 15N
 Projection: Transverse Mercator
 Datum: North American 1983



2023 Modification
 Approved Whale Tail

2. Potential Environmental Effects

Agnico Eagle has completed a self-assessment for the 2023 Modification and considers the activities to not be significant. As noted previously, the 2023 Modification will be located entirely within the original assessment area and the key components will remain substantially similar as described in previous assessments and conformity determinations. Based on the outcome of the NuPPAA s.90 factors self-assessment presented in Table 1, Agnico Eagle considers that the nature, magnitude, complexity, probability, frequency, and duration of the impacts for the 2023 Modification are low to negligible changes as compared to the approved activities. Our conclusion is that this application would be a non-significant modification.

Table 1: Agnico Eagle NuPPAA Section 90 Self-Assessment

NuPPAA Section 90 Factors	Results of Agnico Eagle Self-Assessment
(a) the size of the geographic area, including the size of wildlife habitats, likely to be affected by the impacts	The geographic area for the land activities is within the approved mine footprint as assessed in the 2016 Final Environmental Impact Statement (FEIS) and 2018 FEIS Addendum, including wildlife habitats. Therefore, there is no additional impacted geographical area. The proposed activities will occur within the area previously included in the NPC's positive conformity determination, assessed by NIRB, and licensed by the NWB.
(b) the ecosystemic sensitivity of that area	The modification activities do not cause impacts to ecosystemically sensitive areas. The temporary storage of saline water in IVR Pit will be within a previously assessed area where mining has already occurred.
(c) the historical, cultural and archaeological significance of that area	The proposed activities will result in a negligible change in impacts to an area of historical, cultural, or archaeological significance. The temporary storage of saline water in IVR Pit will be within a previously assessed area where mining has already occurred.
(d) the size of the human and the animal populations likely to be affected by the impacts	The proposed activities are not expected to result in changes to impacts on human and animal populations.
(e) the nature, magnitude and complexity of the impacts	The nature, magnitude, and complexity of the impacts are within those assessed in the 2016 FEIS and 2018 FEIS Addendum. The temporary storage of saline water in IVR Pit will be within a previously assessed area where mining has already occurred.
(f) the probability of the impacts occurring	The probability of the impacts occurring are within those assessed in the 2016 FEIS and 2018 FEIS Addendum and proposed activities do not change the probability of these impacts. The temporary storage of saline water in IVR Pit will be within a previously assessed area where mining has already occurred.
(g) the frequency and duration of the impacts	The frequency and duration of the impacts are within those assessed in the 2016 FEIS and 2018 FEIS Addendum and the modification activities do not change the frequency and duration of these impacts. The mine life is not extending beyond what is approved. Saline water that would be temporarily stored in IVR Pit would be returned underground at closure, which was assessed through using Groundwater Storage Ponds in the 2018 FEIS Addendum.
(h) the reversibility or irreversibility of the impacts	The reversibility or irreversibility of the impacts are within those assessed in the 2016 FEIS and 2018 FEIS Addendum.

NuPPAA Section 90 Factors	Results of Agnico Eagle Self-Assessment
(i) the cumulative impacts that could result from the impacts of the project combined with those of any other project that has been carried out, is being carried out or is likely to be carried out	The proposed activities will result in negligible change to the cumulative impacts.
(j) any other factor that the Board considers relevant to the assessment of the significance of impacts	None identified to date.

3. Conclusion

It is Agnico Eagle's view that these activities should be permitted to proceed to the NWB in a timely way to support efficient mining at the Whale Tail Mine, as the continuation of the Whale Tail Pushback, IVR Pushback, and temporary saline water storage, are within the existing footprint that will be managed by the existing infrastructure. The existing FEIS would cover these changes; therefore, Agnico Eagle feels that no reconsideration of Project Certificate No. 008, Amendment 001 would be required. Rather, minimal updates of management plans under the Water Licence 2AM-WTP1830 with the NWB would be required to include these minor changes of waste and water management for these pushbacks.

Agnico Eagle is committed to responsibly manage waste and water resources to minimize or eliminate potential effects to the environment in accordance with Water Licence 2AM-WTP1830, Project Certificate No. 008, and objectives as outlined in Management Plans for the Whale Tail Mine.

If you require any further information in relation to NPC's consideration of this request, please contact the undersigned.

Regards,



Jamie Quesnel
Director - Permitting and Regulatory Affairs
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References

Agnico Eagle (Agnico Eagle Mines Limited). 2021a. Request for Conformity Determination – Agnico Eagle's IVR and Whale Tail Pushbacks. Submitted to Nunavut Planning Commission. March 30, 2021.

Agnico Eagle. 2021b. Whale Tail Pit Expansion Project – Adaptive Management Plan. Version 1.5. July 28, 2021.