



AGNICO EAGLE

June 30, 2023

Mark Ings
Executive Director
Nunavut Impact Review Board
P.O. Box 1360, 29 Mitik St.
Cambridge Bay, NU X0B 0C0

Re: NIRB's 2022 Revised Draft Rules of Procedures

Dear Mr. Ings,

Agnico Eagle Mines Limited (Agnico Eagle) appreciated the opportunity to participate in the Nunavut Impact Review Board (NIRB)'s consultation session on April 28, 2023 to discuss the 2022 *Revised Draft Rules of Procedure* (the Rules). As requested by the NIRB, we are writing to provide our comments on the Rules, which focus on three priority areas for Agnico Eagle.

Comment Number:	1
Subject:	Funding of Participants in Proceedings
Reference:	Rules 83 to 85
Priority:	High
Background/Rationale	The NIRB provides limited funding to defray the costs of travel and accommodation for Community Representatives participating in NIRB Community Roundtable Proceedings. Additional funding is made available from time to time by CIRNAC to support community groups, Inuit organizations, and other participants (intervenor) in the NIRB process. The funding is provided on a file-by-file basis and typically there can be delays in providing funding, which creates uncertainty for participants. Funding is often not made available in relation to ongoing project monitoring as the focus of funding is on the NIRB approval process and not post approval activities related to terms and conditions in the PC.
Recommendation to Address Issues	Agnico Eagle supports prioritizing funding that will support Inuit and other Indigenous participation in the NIRB process, including for both applications and monitoring. We request that the NIRB and CIRNAC consider how the Rules can support this goal in a manner that would support more predictability and certainty with regard to funding. For example, the Rules could help accommodate a standing fund for participation by Inuit and other Indigenous participants in NIRB Proceedings and related engagements as well as post approval obligations that are set by NIRB and the Minister to ensure the associated groups have the capacity and funding to meet the threshold of the obligations in the Project Certificate. The funding allocation should consider key Project Certificate terms and conditions that require action by specific intervenors to ensure their ability to execute their assigned obligations (such as funding participation by Inuit and Indigenous participants in ongoing advisory bodies, such as terrestrial advisory groups). In addition, the funding should be linked with Northern Project Management Office (NPMO) screening to identify intervenors that have overlapping concerns regarding certain project components. Funding decisions could take such overlapping interests into account and there may be opportunities for funding allocations, including for post approval requirements and associated issues around funding and capacity.

Comment Number:	2
Subject:	Community Information Sessions
Reference:	Rules 92 to 95
Priority:	High
Background/Rationale	<p>At Community Information Sessions, NIRB staff present information on project proposals to solicit comments from community members and interested members of the public. Our understanding is that limited information is made available to participants with respect to mitigations. This could lead to misunderstandings that a project is going forward in an unmitigated manner that does not fully take into consideration advice from Inuit. To avoid such confusion, and the potential for inaccuracies given the technical complexity of projects, it may be preferable to provide the Proponent with the opportunity to present to the community during such sessions, and to be available to answer any project specific questions that arise.</p> <p>In our view, NIRB should also avoid presenting “yes/no” questions to the community, as this limits the opportunity for dialogue.</p>
Recommendation to Address Issues	<p>Agnico Eagle recommends that Proponents be given the opportunity to present their project and proposed mitigations during the Community Information Sessions if they wish. Standard information forms and agendas for Community Information Sessions could be attached as appendices to the Rules.</p> <p>Additionally, any presentation should include a clear plain language explanation of mitigations in place for topics of concern to the community (such as caribou protection). It is also recommended that open-ended questions be asked by the NIRB staff to help identify community concerns and interests. For example instead of “do you support the project?”, consider questions such as “What do you see as the potential benefits of the project?” “What do you see as the potential negative effects of the project?” and “How do you think the project could be improved?”. A longer list could be provided to NIRB to ensure there is a balanced and fair approach related to a proponents application/project. In addition, it may be possible to link this presentation with a NPMO workshop related to the project to ensure efficiencies with all associated parties.</p>
Comment Number:	3
Subject:	Project Certificate Workshop
Reference:	Rules 138 to 140
Priority:	High
Background/Rationale	<p>In some cases, there can be a lack of clarity in Project Certificate terms and conditions as the Minister sets terms and conditions of the Project Certificate. Currently, the Project Certificate Workshop has limited practical scope and ability for revisions to terms and conditions. However, there is an opportunity at the Project Workshop to clarify intent in some circumstances.</p>
Recommendation to Address Issues	<p>Consideration should be given to allowing for a meaningful opportunity for applicants to provide input on terms and conditions before they are finalized. The intent of this opportunity would be to ensure that the terms and conditions are clear, executable (i.e. within the control of the Project Certificate holder rather than one or more third parties), and do not undermine the overall viability of an approved project or introduce significant or unnecessary delays. In addition, the mining life cycle phase has to be revised for terms and conditions, to ensure the referenced phase is correct and does not impact a life cycle phase that is not applicable to the term and condition. In addition, the accountability of the monitoring and enforcement of the terms and condition should be clearly defined/clarified in this workshop.</p>

Agnico Eagle thanks the NIRB for the opportunity to provide comments and looks forward to continued participation in the finalization of the Rules.

If you require any further information, please contact the undersigned.

Sincerely,



Jamie Quesnel
Director, Permitting & Regulatory Affairs
Agnico Eagle Mines Limited