



Follow up to Order 2023-KIV1-KA *Nunavut Planning and Project Assessment Act*

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Re: Follow up to Order 2023-KIV1-KA Nunavut Planning and Project Assessment Act

This document is a follow up to the Order issued on May 26, 2023, and the response from Erik Allain, Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC), Director of Lands on June 21, 2023.

As a result of the information provided by Agnico Eagle Mines Limited (Agnico Eagle), CIRNAC is providing this follow up letter to Agnico Eagle with a detailed response regarding the recent issuing of the Order. This letter is also meant to advise the Nunavut Impact Review Board on measures taken or to be taken and to keep stakeholders apprised.

The following points from the CIRNAC order will be considered withdrawn:

Item 4. a, b, c: These grounds stem from the Government of Nunavut's Department of Environment (ENV) not having an appendix from the 2014 annual report available for review. Agnico Eagle provided the document to CIRNAC and the NIRB Registry indicate that the required information was submitted to NIRB and added to the registry on December 18, 2015. The review by ENV was conducted in June of the same year. The late adding of the document is the cause for these items.

Item 6 b: "Nunavut Impact Review Board Page 33 of 56 Project Certificate No. 008, Amendment 001" is withdrawn. This was added in error.

Item 7 b: Agnico Eagle indicated in the 2017 annual report, that ENV used Caribou collar data from 2018 to make comparisons and draw conclusions. In review this is supported.

Item 10 a: Agnico Eagle has indicated that helicopter data is being provided in later iterations of annual reporting which is confirmed (see discussion point 4).

Item 10 c: Agnico Eagle has indicated the way road use data is provided has been updated in future iterations of annual reporting.

Item 10 f: A data sharing agreement has been signed between ENV and Agnico Eagle.

Item 10 g: Issues related to road monitoring are included in discussion point 2.

Item 11 a: Agnico Eagle has identified future iterations of annual reporting will have correct



figures included for the surface area tabulations.

Item 11 b: Agnico Eagle wrote in the 2019 annual report that a mitigation audit was to be included. This was not, but it was provided to the Terrestrial Advisory Group (TAG). If AEM does not want to include this document in the annual report, then references to it should not be included.

Item 11 c: Agnico Eagle provided a reasonable justification that the Vault Haul road was not part of the Regional Study Area or the Local Study Area during active mining in the area.

Item 11 d: Comments regarding road surveys withdrawn. See discussion point 2.

Item 12 c: Agnico Eagle committed to clarifying how pit and mine surveys are conducted.

The following Items are noted for discussion or clarification rather than compliance concerns. The discussions are intended to reach a common understanding of how Agnico Eagle and CIRNAC will examine compliance questions.

1. Agnico Eagle has stated that they strive to provide information in annual reporting that is clear, consistent and organized. In reference to Agnico Eagle providing randomized road closure documentation in the 2018 annual report concerns were raised regarding the organization and structure of the information. CIRNAC requires clear and organized information in order to analyze and conclude on matters of compliance in a timely fashion. CIRNAC will work with Agnico Eagle on the expectation of data collection and presentation.
2. Agnico Eagle has established practices for road monitoring in the Terrestrial Ecosystem Management Plan (TEMP) and the subsequent data collection which requires any observations of wildlife (such as Caribou) on either side of the road be reported.

In annual reporting and commenting process as established by NIRB, ENV has asserted that less Caribou are observed on the side of the access roads where Caribou are migrating away from the road compared to the side where Caribou approach the road. This is based on the data provided by Agnico Eagle which shows the access roads are acting as a hinderance to migrating Caribou.

Due to the statements made by ENV, Agnico Eagle has stated that road monitoring is biased towards the oncoming migration and that road monitoring methods are not being followed as stated in the TEMP. Agnico Eagle should have the appropriate discussions with the TAG to remove monitoring biases and incorporate revisions in the TEMP.

3. CIRNAC has reviewed the responses provided by Agnico Eagle regarding its internal



definition of “essential vehicle”. Agnico Eagle states in its response that road maintenance equipment, crew transport, fuel transport and food transport are essential.

For clarity there are two separate definitions included in the TEMP.

Included with the decision trees “Essential vehicles includes vehicles operated for the purpose of maintaining the safety of personnel, Emergency Response Team (ERT), security and wildlife monitoring.”

On page 40 “Essential Vehicles’: include vehicles operated for the purpose of maintaining the safety of personnel, road maintenance when necessary (e.g., snow removal), Emergency Response Team (ERT), security and wildlife monitoring.”

CIRNAC relies on the definition provided in the decision tree in the TEMP. This definition does not include crew transport, fuel transport, or food transport. Although the inspector recognizes that they could fall under “maintaining the safety of personnel or to maintain asset integrity” under specific circumstances. Agnico Eagle should address this issue with the TAG in order to outline which circumstances would allow for these vehicles to be considered Essential Vehicles.

4. Requirements to maintain helicopter transits at minimum altitudes is a requirement of the TEMP. In the most recent renditions of annual reporting, reviewed helicopter data provided track route, and altitude of the flight among other data. The altitude, as expressed by Agnico Eagle includes all phases of flight, including climb and decent and is reflected as an average altitude of flight. The data presented does not clearly demonstrate compliance as the majority of entries fall below the set minimum altitudes. Further, no justification for permissible deviations from cruising altitude requirements was provided.

Further actions may be necessary where Agnico Eagle cannot clearly demonstrate the compliance in annual reporting. Agnico Eagle may work with the Responsible Inspector, TAG and NIRB to adjust data collection and presentation methods.

The following points of ongoing compliance will be established with Agnico Eagle through the TAG:

- Agnico Eagle will advise of any occasions where other regulatory bodies or wildlife experts, such as the Kivalliq Inuit Association, Baker Lake Hunters and Trappers Organization or ENV, have permitted such things as convoys during Level Three Mitigation to the Inspector responsible for the project. This will be included in Annual Reporting as a means to demonstrate compliance. Where no permission by regulatory



bodies or wildlife experts are provided the TEMP will stand.

- Agnico Eagle will apply the definitions of essential vehicles as indicated in the TEMP with their associated figures. Food, passenger or fuel transportation will only be permitted in exigent circumstances during road closures and Agnico Eagle will demonstrate what steps were taken to mitigate the circumstance. This may include rescheduling crew transport, reducing fuel usage during shutdowns, consideration for transportation other than using road systems etc. This will be communicated to the Inspector responsible for the project and the results will be included in annual reporting as a means to demonstrate compliance.
- Agnico Eagle will communicate with the responsible Inspector the status of roads and site during Caribou migration, the reason for any change in status, and the consultation which occurred when considering reopening roads or site.

CIRNAC considers that compliance with the order has been achieved and the Order is now closed. Any ongoing compliance issues shall be addressed through the Terrestrial Advisory Group.

In the future, CIRNAC will be represented at Terrestrial Advisory Group meetings. The points of compliance raised in the Order will continue to be inspected and monitored by CIRNAC Inspectors. Other items of compliance may be established into the future which apply to the Terrestrial Ecological Management Plan or the Project Certificates.

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