



Nunavut Impact Review Board 2022-2023 Monitoring Report **Meadowbank Gold Mine Project and Whale Tail Pit Project**

Agnico Eagle Mines Limited

NIRB File No. 03MN107 and 16MN056
Project Certificates No. 004 and No. 009



December
2023

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Full Report Title:	The Nunavut Impact Review Board's 2022 – 2023 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
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Monitoring Period:	October 2022 – September 2023
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Cover photos:	Meadowbank Main Site Whale Tail Pit

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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 2022 to September 2023.

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;

³ Public Registry ID: 316138 & 316139

- 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.

In April 2021, the NIRB received correspondence from Agnico Eagle regarding the IVR and Whale Tail Pushbacks modification to the Whale Tail Pit Project. The Nunavut Planning Commission (The Commission) deemed that a reconsideration by the NIRB was not necessary for this modification. In April 2023, the NIRB received correspondence from Agnico Eagle regarding the 2023 Modification, consisting of increases to the previously modified pushbacks at the IVR and Whale Tail Pits as well as the temporary storage of saline water in the east lobe of the IVR Pit. The Commission deemed that a reconsideration by the NIRB was not necessary for this modification.

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.
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.

DATE	ACTIVITY
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 expects to be informed by Agnico Eagle regarding updates to affected management plans.
April 2023	The NIRB received correspondence regarding the “2023 Modification” involving an increase to the IVR and Whale Tail Pit pushbacks as well as the storage of saline groundwater in IVR Pit.

2.0 MONITORING ACTIVITIES

2.1 GENERAL REPORTING REQUIREMENTS

On March 31, 2023, the NIRB received Agnico Eagle’s Meadowbank Gold Mine Project and Whale Tail Pit Project 2022 Annual Report (*2022 Annual Report*). After a completeness check, the NIRB requested additional information which was submitted by April 14, 2023. On April 26, 2023, the NIRB distributed the *2022 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 9, 2023. On May 17, 2023, the NIRB received a request from the KIA to extend the comment period to June 30, 2023. After discussion, the Board decided to extend the comment period to June 23, 2023.

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 2022 through September 2023 ([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 2022 Annual Report

PLAN	SUBMISSION DATE	VERSION
MEADOWBANK GOLD MINE PROJECT		
Oil Pollution Emergency Plan/ Oil Pollution Prevention Plan (OPEP/OPPP)	April 2023	16
Baker Lake Bulk Fuel Storage Facility: Environmental Performance Monitoring	April 2023	7
Incinerator Waste Management Plan	April 2023	10
Dewatering Dike Infrastructure Operations, Maintenance and Surveillance Manual (OMS)	April 2023	10
Freshet Action Plan	April 2022	10
Tailings Storage Facility OMS	April 2023	11

PLAN	SUBMISSION DATE	VERSION
Waste Rock and Tailings Management Plan	April 2023	13
Water Management Report and Plan	April 2023	11
WHALE TAIL PIT PROJECT		
Water Management Infrastructure OMS	April 2023	3
Freshet Action Plan	April 2022	4
Waste Rock Management Plan	April 2023	10
Water Management Report and Plan	April 2023	10
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 2023	6
Aquatic Effects Management Program (AEMP)	April 2022	5
QAQC Plan	April 2023	8
Emergency Response Plan	April 2022	17
Hazardous Materials Management Plan	April 2022	7
Spill Contingency Plan	April 2023	19
Blast Monitoring Program	April 2023	8
Ammonia Management Plan	April 2022	5
Wildlife Screening Level Risk Assessment Plan	April 2023	8

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 *2022 Annual Report* for the 2022 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 2022 to 2023. 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 36, 41, 56, 59, 60, 61, 62, 68, 74, 75, and 86.

[Appendix II](#) documents Agnico Eagle’s compliance achievements with Project Certificate No. 008 from 2022 to 2023. 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 12 and 13 (under Board Guidance on General Regulatory and Administrative Responsibilities), and 2, 28, 30, 35, 40, 42, 51, 54, 58, 59, 60, 61, and 62 (under Whale Tail Pit Project Specific Terms and Conditions).

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 2021-2022 Recommendations

On March 17, 2023, the Board issued several recommendations to Agnico Eagle resulting from the NIRB’s 2021-2022 monitoring efforts. On April 17, 2023, Agnico Eagle provided responses to address each of the Board’s Recommendations⁴.

Table 4. NIRB 2021-2022 Recommendations for the Meadowbank Project and Agnico Eagle’s Responses

BOARD RECOMMENDATION	GOVERNMENT OF NUNAVUT’S RESPONSE
<p>1. The Board requests an update from the Government of Nunavut on the status of the status of the Data and Sample Sharing Agreement (DSSA) and when it can be expected to be implemented.</p> <p><i>Commentary:</i> 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 Government of Nunavut (GN)</p>	<p>The GN notes that the DSSA was signed on March 3, 2023, and has come into effect for a period of five (5) years, with the possibility of renewal for an additional five (5) years.</p> <p>Under the DSSA, caribou collar data for the herds that interact with Agnico Eagle’s Nunavut operations will be provided quarterly and is to be used for compliance with regulatory requirements, assessing the potential effects of exploration and mining activities, informing project-specific mitigation and management, and the preparation of materials for regulatory authorities, Governments, Indigenous groups, and Terrestrial Advisory Groups (TAG).</p>

⁴ Public Registry ID: 343319

BOARD RECOMMENDATION	AGNICO EAGLE'S RESPONSE
<p>2. The Board recommends that Agnico Eagle describe how the monitoring program at Meadowbank Gold Mine and Whale Tail Pit projects has been impacted by the missing years of caribou satellite collar data and what contingency plan Agnico Eagle will use now that the data and analysis have not been available for multiple years.</p>	<p>Agnico Eagle has received a signed DSSA from the GN on March 3, 2023, which includes historical data. Agnico Eagle will discuss the requested analysis with the TAG.</p> <p>Agnico Eagle was provided with telemetry maps from the GN on a regular basis throughout 2020-2022. This data was and continues to be integrated into day-to-day operations and serve as a notice that caribou are approaching the Project infrastructure. Agnico Eagle also performs direct field monitoring road and viewshed surveys and this monitoring coupled with the telemetry maps have allowed Agnico Eagle to fulfill their obligations to apply caribou protections mitigations as needed under the Project Certificate and the Terrestrial Ecosystem Management Plan (TEMP).</p>
<p>3. The Board requests and update on the plans that were updated for Agnico Eagle to undertake the pushback activities between the IVR and Whale Tail Pits. Further, Agnico Eagle's response will detail if these plans were reviewed through other licensing or permitting processes and confirm if any updated plans were submitted to the NIRB as stand-alone plans for the NIRB's Public Registry.</p>	<p>Agnico Eagle's Whale Tail Water Management Plan and Whale Tail Waste Rock Management Plan were submitted to the Nunavut Water Board (NWB) in June 2021 as a part of the Water License Modification application. Agnico Eagle submits updated plans on an annual basis to the NIRB as part of the annual reporting process. Agnico Eagle will work to update the NIRB Public Registry with the required information.</p>
<p>4. The Board requests that Agnico Eagle describe the progress it has made on version 8 of the TEMP and the schedule for finalization and submission as a stand-alone monitoring plan on the NIRB's public registry and the Proponent's website.</p>	<p>Agnico Eagle prepared an internal update to the TEMP but was not able to share it with the TAG for comments due to competing priorities. An in-person TEMP workshop is planned for summer 2023, with an intent to complete the TEMP by the end of 2023.</p>

1.1.3 NIRB 2021-2022 Monitoring Report Outcomes

Within the NIRB's 2021 – 2022 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 April 17, 2023, 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 2021-2022 Monitoring Report Recommendations Applicable to Both the Meadowbank and Whale Tail Projects

<u>RECOMMENDATION</u>	<u>AGNICO EAGLE RESPONSES</u>
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	Agnico Eagle has provided an update to this request in the 2022 Annual Report as Figure 43 on Page 461 of the document. Agnico Eagle would also like to highlight that comparison of Whale Tail monitoring results to FEIS predictions were first provided in the 2019 Annual Report and continued to be included in subsequent reports.
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	Agnico Eagle acknowledges the NIRB’s commentary on the availability of updated management plans on both the NIRB Public Registry and the Agnico Eagle web portal. Agnico Eagle would like to discuss this requirement further with the NIRB at their convenience.

Table 6. Monitoring Officer 2021-2022 Monitoring Report Recommendations for the Meadowbank Project

<u>RECOMMENDATION</u>	<u>AGNICO EAGLE RESPONSES</u>
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.	In 2021, due to COVID-19 restrictions Agnico Eagle faced challenges to host in-person workshops or meetings with the community of Chesterfield Inlet. However, despite COVID-19 challenges one (1) meeting was held with Chesterfield Inlet Elders to collect Inuit Qaujimajatuqangit testimony on the 2021 shipping route in Chesterfield Inlet.

Table 7. Monitoring Officer 2021-2022 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 Whale Tail Pit Project Certificate. The summary shall be provided to the NIRB within Agnico Eagle's next annual report.</p> <p><i>Commentary: 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.</i></p>	<p>The 2022 Kivalliq Socio-Economic Monitoring Report identifies where specific Inuit Societal Values (ISVs) have been used or are connected to the subjects being discussed. The purpose for this is to demonstrate Agnico Eagle's commitment to the use and implementation of IQ and ISVs and to begin to move toward more fulsome integration of IQ and ISVs in its monitoring and reporting. Throughout the report, the "ISV" symbol was used as an indicator and easy reference to one or more specific ISV.</p> <p>In 2021, Agnico Eagle used social media platforms to keep communities of impact informed and build awareness on the following topics.</p> <p>In 2021, Agnico Eagle developed a Kivalliq Elders' Advisory Committee (KEAC) comprised of 21 Elders from Baker Lake, Chesterfield Inlet, Rankin Inlet, Whale Cove, and Arviat. The Elders group is consulted when there are any substantives revision to the Project management and monitoring plans.</p>

2.2.3 Compliance Update by Regulatory Authorities

On April 26, 2023, the NIRB requested that regulatory authorities with expertise or jurisdiction at the Meadowbank Gold Mine and Whale Tail Pit Projects 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, licenses, 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 2022 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 23, 2023, the NIRB received comments from the following parties:

Commenting Party	Meadowbank Gold Mine (03MN107)	Whale Tail Pit (16MN056)
Kivalliq Inuit Association (KIA)	345778	345779
Government of Nunavut (GN)	345777	345772
Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC)	345775	345769
Environment and Climate Change Canada (ECCC)	345776	345771
Fisheries and Oceans Canada (DFO)	345787	345770
Health Canada (HC)	345774	345768
Transport Canada (TC)	345773	345767

Agnico Eagle provided its responses to parties' comments on July 31, 2023. The following is a *summary* of comments received by parties regarding compliance monitoring.

2.2.3.1 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.

2.2.3.2 Government of Nunavut

The 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.

2.2.3.3 Crown-Indigenous Relations and Northern Affairs Canada

CIRNAC reviewed the *2022 Annual Report* and related documents in areas under its mandate pertaining to effects and compliance monitoring. CIRNAC noted that the report presented an extensive and comprehensive summary of activities completed and data gathered from ongoing operations, inspections, monitoring programs, special studies, and modelling exercises in 2022. Within the areas under its mandate, CIRNAC has identified no evidence to suggest that ongoing operations at the Meadowbank Gold Mine and Whale Tail Pit Projects are resulting in significant adverse environmental impacts.

CIRNAC further noted that it has a number of different responsibilities related to water management in Nunavut and is responsible for inspecting and enforcing any Terms and Conditions contained within any Water Licence associated with the Project. In 2022, CIRNAC's Resource Management Officers conducted a total of six inspections of the Meadowbank Complex to ensure compliance with water licences 2AM-WTP1830 (Meadowbank Gold Mine) and 2AM-MEA1530 (Whale Tail Pit), with three (3) inspections occurring for each water licence.

For the Meadowbank Gold Mine, CIRNAC's Resource Management Officers inspected the Meadowbank Gold Mine three (3) times under water licence 2AM-MEA1530 in 2022 (June 15, September 12-13, December 1-2). During the June 15th inspection, it was noted that there were no signs notifying the public of the water supply facilities, waste disposal facilities, and monitoring stations. Further, it was noted that corrective measures to mitigate impacts to surface drainage of the marshalling facility and culvert connection lake NP-2 and NP-1 were not undertaken. The Inspector requested that the Proponent install signs for monitoring stations, freshwater facilities, and waste disposal facilities, as well as develop immediate and long-term plans for water flow through the Marshalling Facility to Baker Lake, with repairs to the NP-2 to NP-1 culvert.

The September inspection focussed on the remediation of spills, as well as a follow-up for the June inspections. Twenty-six spill incidence reports from various years were recommended for closure with no concerns noted. One (1) spill from 2021 was also inspected and no concerns were noted. No instances of non-compliance were noted from this inspection; however, the Inspector requested that the Proponent provide a long-term plan to address total suspended solids.

The December 2022 inspection focussed on a diesel fuel spill of an estimated 29,000 litres that was reported on November 28, 2022. CIRNAC noted that the response to the spill was in line with the established Spill Contingency Plan, and remediation activities are planned with a new sampling location established downstream.

The Whale Tail Mine site was also inspected three (3) times in 2022 under water licence 2AM-WTP1830 (June 14, September 13, and December 2).

During the June 2022 inspection, it was noted that there were debris near the water intake pipe at Nemo Lake. Further, signs indicating monitoring stations were missing from Mammoth Lake Diffuser ST-WT-2, Nemo Lake, the IVR Rock Storage Facility, Whale Tale Rock Storage Facility Pond ST-WT-3, and Whale

Tale Rock Storage Facility. No other major concerns were noted. The Inspector requested that signs be installed at the sampling points, water intake facilities, and waste disposal facilities; and that the debris on the surface of Nemo Lake be removed as soon as practical.

The September 2022 inspection focussed on the closure of a spill incident reported to the Government of Nunavut Spill Reporting Line. Fifty spill incidence reports from various years were recommended for closure with no concerns noted. A spill from 2020 was also inspected and it was determined that further remediation is required and will be followed up in future inspections. No instances of non-compliance were noted from this inspection report; however, follow-up on the 2022 spill was requested.

CIRNAC's primary focus for the December 2022 inspection was the snow management within the area of operations, which included the inspection of snow management areas and the Sana Crusher Pad. No instances of non-compliance were noted from this inspection report. No actions were recommended.

2.2.3.4 Environment and Climate Change Canada

ECCC noted that no authorizations have been issued but both the Meadowbank Gold Project and Whale Tail Pit Project is captured under several pieces of ECCC's legislation. Specifically, both projects are subject to the Metal and Diamond Mining Effluent Regulations (MDMER); the purpose being to authorize a deposit of certain deleterious substance(s) into water frequented by fish while monitoring the environmental effects of those deposits to ensure that deleterious substances are not released in quantities or concentrations that could result in harmful effects on waters frequented by fish. In 2022 Agnico Eagle submitted all required MDMER reports. The following non-compliances were determined:

Reporting Period	Meadowbank Gold Mine MDMER Compliance	Whale Tail Pit MDMER Compliance
First Quarter	Failed to select and record the sampling date not less than 30 days in advance of collecting the acute lethality grab sample from East Dike Discharge - Warning Letter Issued	<ol style="list-style-type: none"> 1. Failed to select and record the sampling date not less than 30 days in advance of collecting the acute lethality grab sample FDP- ST-MDMER-11– Warning Letter Issued 2. Failed to select and record the sampling date not less than 30 days in advance of collecting the acute lethality grab sample FDP-ST-MDMER-11– Warning Letter Issued
Second Quarter	<ol style="list-style-type: none"> 1. Failed to select and record the sampling date not less than 30 days in advance of collecting the acute lethality grab sample from East Dike Discharge – Warning Letter Issued 2. Suspended solids concentration exceedance in excess of the maximum authorized concentration in a grab sample – Warning Letter Issued. 	<ol style="list-style-type: none"> 1. Deposit of a deleterious substance exceeding the maximum authorized concentration for arsenic. 2. Arsenic monthly mean concentration exceedance in excess of the maximum authorized monthly mean concentration in a grab sample – Warning Letter Issued.

Reporting Period	Meadowbank Gold Mine MDMER Compliance	Whale Tail Pit MDMER Compliance
Third Quarter	No effluence discharged, therefore no compliance issues.	Effluent was discharged with no exceedances. No non-compliance was determined.
Fourth Quarter	Effluent was discharged from East Dike with no exceedances. No non-compliance was determined.	Effluent was discharged with no exceedances. No non-compliance was determined.

Agnico Eagle noted that it responded to the warning letters on June 16, 2023.

2.2.3.5 Fisheries and Oceans Canada

DFO indicated that it was generally agreeable with Agnico Eagle's reporting and did not complete compliance monitoring or site visits/inspections at Meadowbank and Whale Tail in 2022. DFO did note that the Proponent is largely compliant with the terms and conditions that pertain to DFO's mandate.

2.2.3.6 Health Canada

Health Canada noted that the objective and scope of its review is to verify that the potential health impacts of the Projects are properly identified and to support Responsible Authorities to prevent, reduce, and mitigate the potential health impacts of project activities.

2.2.3.7 Transport Canada

Transport Canada (TC) noted that its review was limited to those areas of the annual report that are relevant to the Department's mandate and jurisdiction/areas of expertise. Transport Canada noted that based on the information available to date, the Project is now in compliance with legislation administered by TC.

With respect to Marine Safety and Security, an onsite inspection of the Project's Oil Handling Facility was completed in October 2022 with no issues or concerns identified and the Project was in compliance with part 8 of the *Canada Shipping Act, 2001* and the Environmental Response Regulations. An inspection of the marine facility was last conducted in 2021 and the facility was in compliance with the Marine Transportation Security Regulations. TC also did not conduct a Transportation of Dangerous Goods inspection in 2022; however, no complaints or concerns were received for 2022 and no enforcement actions were undertaken.

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*.

TC did recommend that an up-to-date Oil Pollution Emergency Plan (OPEP) and Oil Pollution Prevention Plan (OPPP) be included in future annual reports for the Meadowbank Complex. In response, Agnico

Eagle noted that it will continue to include the most up to date OPEP/OPPP as part of the future annual reports.

2.2.4 Compliance with Instruments

The NIRB was able to visit the Meadowbank and Whale Tail Pit Project sites in 2023 (see Section [3.3](#)).

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 April 14, 2023, 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 2022 reporting period. Specifically, comments were requested regarding the following:

- a. Whether the conclusions reached by Agnico Eagle in the *2022 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 visit 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

Recommendation (Summary)	Proponent Response
Kivalliq Inuit Association	
KivIA #1	
1. Ensure the Terrestrial Advisory Group's (TAG) advice and recommendations are included in future Annual Monitoring Reports.	1. Will clarify during a future TAG meeting where the TAG's recommendations are included in the Meadowbank Annual Report.
2. Include TAG input to the annual Mitigation Audit.	2. Refer to Agnico Eagle's response to KivIA recommendation #2.
3. Propose how TAG's work will be archived and the role of the Annual Reports.	3. The TAG's advice is documented in Section 8-18 of the Meadowbank Annual Report and the reports are archived on the NIRB's registry.

Recommendation (Summary)	Proponent Response
<p>KivIA #2</p> <ol style="list-style-type: none"> 1. Address how to test the efficacy of mitigation as to the objective of the Mitigation Audit (to describe mitigation effectiveness) and the TAG (evaluate the effectiveness of mitigation). 2. Undertake further review on the caribou Group Size Threshold (GST) approach including the behavioral, camera data and road surveys to estimate annual variations and alternatives. The review should be coordinated with Baker Lake hunters and Elders and include testing automatic closure at the beginning of migrations to allow the passage of caribou leaders. 3. Apply the results of the behavioral monitoring (duration and frequency of responses) to define an impact prediction to determine if the Decision Tree reduces sensory disturbance. 	<ol style="list-style-type: none"> 1. The TEMP, version 7 (Agnico Eagle 2019) does not require that mitigation audits be reported as stand-alone documents but included as part of the annual wildlife summary report. The purpose of a mitigation audit is to identify which mitigation was implemented and whether it was effective and, if not, what changes may be required. Mitigation audits are completed annually through monitoring and mitigation reviews by the TAG. 2. Open to further discussions with the TAG on alternatives to the GST and protection of lead caribou. 3. Open to discussing this topic with the TAG.
<p>KivIA #3</p> <ol style="list-style-type: none"> 1. Report daily traffic frequency for days when the road is open, days when 24-hour (h) closure and <24h closure days. 2. Provide information on how to reduce the frequency of convoys and the number of vehicles in the convoys when road closures are in effect. 3. In collaboration with the TAG, design and implement a behavioral study integrated with cameras and road surveys to measure how and when caribou cross the roads to improve mitigation effectiveness. 	<ol style="list-style-type: none"> 1. This metric will be explored and attempted (though information collected does not easily allow for desired analysis) with any information provided in the 2023 annual report. 2. The frequency of convoys and number of vehicles in convoys fluctuates and is determined based on operational requirements. 3. Agnico Eagle is open to discussion with the TAG on this project.
<p>KivIA #4</p> <p>Provide a 2020-2022 report based on satellite collar analyses by October 2023.</p>	<p>Agnico Eagle gained access to Government of Nunavut collared caribou data in March 2023. Agnico Eagle will present analyses of collar data (2020 to 2023), consistent with past reporting, in the 2023 annual wildlife summary report which should be available in spring 2024. However, further discussions will be held with the TAG prior to the submission of the 2023 annual report, and collared caribou analysis are expected to be included in the topics.</p>
<p>KivIA #5</p> <p>Provide options to review with TAG for re-designing the remote camera program to integrate it with other monitoring (collars,</p>	<p>Further discussion on the objectives of the proposed study will be needed with the TAG.</p>

Recommendation (Summary)	Proponent Response
behavior and road surveys) to contribute to effective mitigation and impacts of traffic on caribou.	
KivIA#6 Provide options to review with TAG for re-designing the behavior monitoring to integrate it with other monitoring (collars, road surveys, traffic volumes) to contribute to monitoring how caribou cross roads and mitigation effectiveness.	These suggestions, including objectives of the study, survey methods and data analyses have been incorporated, where possible, into the behaviour program. Agnico Eagle will continue discussing options for updating and improving the behaviour program with the TAG and updating the objectives of the program to integrate with other monitoring programs as needed and as technically feasible.
KivIA #7 1. Clarify why Agnico Eagle determined that the Project-related mortality for predatory mammals was not exceeded in 2022. 2. Provide concrete adaptive management to prevent these mortalities for preventing future occurrences, especially for the incident in the South Cell Tailings Area	1. Two (2) wolverine mortalities were reported in 2022, which equals the threshold but does not exceed it. The TEMP identifies that additional mitigations are applied when the threshold is exceeded. 2. All wildlife mortality events are reported and investigated with consideration to adaptive management for prevention or additional mitigation. The reports are included in annual wildlife summary report.
KivIA #8 1. Integrate results from different monitoring methods such as the behavioral data and road survey data for caribou. 2. Provide the 2022 Annual Mitigation Audit and a table summarizing concordance with the NIRB Project Certificate Terms and Conditions.	1. Welcomes the suggestion for discussion at a future TAG meeting including and understanding of the proposed analysis/questions. Based on these discussions, a study design could be implemented. 2. See previous response to KivIA recommendation 2 regarding the Mitigation Audit.
KivIA #9 Commit to measuring depth profiles of conductivity in the reflooded pits.	Measurement of pH, temperature, dissolved oxygen, and conductivity at different depths in Goose Pit have been completed in 2022. Additional profiles will be completed in 2023. These results will provide information on the stratification of the Goose Pit and will be discussed in the pits water quality forecast model.
KivIA #10 Ensure the pages and sections modified in subsequent document versions is reflected in the document control table.	Will continue effort to ensure pages and section modified in subsequent document update are adequately outline in the document control section.
KivIA #11 Would like to see information on training and maintenance records regarding the significant	Agnico Eagle completed a full investigation of the incident at KM87 including training, maintenance records and operating procedures. A follow-up spill report was submitted under the Nunavut

Recommendation (Summary)	Proponent Response
spill at KM87 and whether this was an insurable event.	Water Board. The incident has been deemed an insurable event for the contractor involved.
KivIA #12 All occasions of deterrence as listed in the 2022 annual could have been handled to protect the wildlife, not deter them, as all observances indicate them to be feeding.	Agnico Eagle's deterrent actions noted by the KivIA were applied in accordance with the TEMP and are designed to protect ungulates and other wildlife by avoid or minimizing injury- and mortality-risk from Mine hazards.
KivIA #13 Table 4-8 of the 2022 Wildlife Monitoring Summary Report should be updated to accurately reflect project-related mortality. Further, reporting protocols should be re-examined to ensure mortality incidences are recorded.	Table 4-8 presented the mortalities that occurred on Meadowbank and Whale Tail sites from 2007 to 2022 and doesn't include the wildlife mortalities along the All-weather Access Road (AWAR) and the Whale Tail Haul Road (WTHR). Mortality along both roads is presented in Table 3-18. There is also an error in Table 3-18 due to formatting error, leading to an over estimated number of mortalities along the roads. Agnico Eagle will update the table to reflect the mortalities for the 2023 annual report.
KivIA #14 Findings from ground surveys can be relayed to the helicopter pilots to assist in avoiding caribou and musk ox	Agrees that communicating results of ground surveys to pilots is a good idea but there will be some challenges and limitations, such as road surveys require several hours to complete, and helicopters may be in use before surveys are complete. Agnico Eagle will determine a communication protocol to facilitate this.
Government of Nunavut	
GN AR #01 Recommends the following revisions be made to reporting of helicopter traffic in the 2022 and all future annual reports: <ol style="list-style-type: none"> 1. Provide a definition of short and long-range helicopter flights. 2. Summarize annual helicopter flight data according to flight range category and the appropriate mandatory minimum altitude for each range category. 3. Report the metric "Hours of Flying Below the 300 and 600 metre (m) Altitude Minimums". 4. Provide maps that show short and long-range flights where the average flight altitude was below 300 and 600m, respectively. 5. Report total flight hours and number of flights for short and long-range flights, where average altitudes were below the 	<ol style="list-style-type: none"> 1. Will determine what is considers to be short- and long- range helicopter flights and discuss them with the TAG 2. Will provide this metric in the 2023 Wildlife Monitoring Summary Report. 3. Will provide this metric in the 2023 Wildlife Monitoring Summary Report, minus take-offs and landings when possible. 4. Flight data provided by helicopter contractors do not allow take-off and landings to be easily distinguished. Agnico Eagle will attempt to reconcile this and include it in the 2023 Wildlife Monitoring Summary Report. 5. Past flight data provided by Agnico Eagle's helicopter contractor does not allow direct linkage between flight purpose and altitude tracking. Agnico Eagle will attempt to resolve this issue with its contractor in order to fulfill the GN's request.

Recommendation (Summary)	Proponent Response
<p>mandatory minimums of 300 and 600 m respectively; providing separate summaries and linkage between flight purpose and altitude tracking.</p>	
<p>GN AR #02</p> <ol style="list-style-type: none"> 1. Include in future reports summaries of the number of caribou observed annually and seasonally during road surveys, corrected for survey effort, for the AWAR and WTHR. Comparison of annual variation in these metrics should also be presented. 2. Include in future reports analysis of caribou road crossing probability for open versus closed roads based on crossing events observed during road surveys; corrected for survey effort and number of caribou present near roads. 3. Prior to drafting the 2023 Annual Report, the Proponent hold a workshop with the TAG to reach consensus on additional analyses of caribou monitoring data and metrics that will be included in future reports. 	<ol style="list-style-type: none"> 1. Based on the TEMP decision trees which is designed to work for the protection of caribou, monitoring effort is higher when caribou are close to the road, and the road is closed to facilitate crossing. Alternatively, when caribou are far from the road, less monitoring effort is required, and the road remains open, and the frequency of crossing will be low. This is also consistent with the approach to the KivIA mobile conservation measures. Agnico Eagle will discuss changing annual report summaries with the TAG. 2. Refer to previous response. 3. Already discusses, implements, and reports independently of the annual wildlife monitoring summary report on additional caribou analyses with the TAG. Additional analyses have been proposed and discussed throughout the year at TAG meetings and in annual wildlife summary report comments. Agnico Eagle will continue to discuss proposed monitoring alternatives and analyses for caribou with the TAG.
<p>GN AR #03</p> <ol style="list-style-type: none"> 1. Explain how the passenger transport convoys that took place on the closed WTHR in 2022 fit the definition of essential traffic in the Project's TEMP. 2. Explain why three (3) round-trip convoys for essential needs (food, etc.) were necessary between April 10 and 17. 3. Explain how convoys are managed to minimize the frequency of trips. 4. Explain what procedures are in place to manage stores of essential supplies (including food and fuel for maintenance of facilities) at the Whale Tail site in preparation for and during caribou migration seasons. Since the Whale Tail site went into production in 2019, what specific measures has the Proponent taken to stockpile supplies prior to caribou migration periods in-order to minimize the need for convoys on closed roads? 	<ol style="list-style-type: none"> 1. The number of shift hours and the duration of shifts is managed for the health and safety of Agnico Eagle employees, as well as ensuring compliance with labour regulations. Crew changes are a necessity to allow Mine staff adequate down time to recover physically and mentally from work at the Mine site and to prevent accidents due to worker fatigue. For these reasons, Agnico Eagle considers passenger crew change and food transport as essential needs, to maintain the safety of personnel, and intends on clarifying these points in the upcoming 2023 TEMP update. 2. As reported in the 2022 Wildlife Monitoring Summary Report, four (4) round trips were necessary to ensure adequate delivery of fresh goods at the Whale Tail Camp, and the transportation of personnel to and from Meadowbank. It is important to highlight that

Recommendation (Summary)	Proponent Response
	<p>while the two (2) sites are separated, they are not operated independently.</p> <ol style="list-style-type: none"> 3. In order to minimize frequency of trips, daily meeting with all departments are held, and a review of needs is completed. The essential needs are then consolidated into a single convoy. This ensure the potential disturbance to caribou is minimal. 4. Prior to each migration, a review of the forecasted needs is completed by each department, and an action plan is launched to increase the required inventories. Prior to the spring migration of 2022, Agnico Eagle completed the permanent installation of four 50,000 litre (L) fuel tanks, next to the underground portal, further increasing the autonomy of the Whale Tail site. However, the Whale Tail Site was not designed to be fully independent from the Meadowbank Site. In recent years, Agnico Eagle launched an energy savings committee reducing the overall site energy consumption, minimizing fuel needs. Further capacity increases would require a change to the Mine Plan, which may have other environmental impacts.
<p>GN AR #04</p> <ol style="list-style-type: none"> 1. Respond to the GN's questions as listed in the table regarding road closures. 2. In future annual reports include a table providing the following information: <ul style="list-style-type: none"> ○ The specific dates during caribou migration seasons on which roads were closed for caribou; ○ The duration of each closure; ○ A summary of the consultation conducted prior to reopening on each occasion (including whether consensus was reached); and ○ The final rationale for reopening. 	<ol style="list-style-type: none"> 1. In response, "open/closed" indicates that the road was open and then closed for part of the day. For details regarding road restrictions in place, it is best to refer to Appendix B – Road Restrictions of the Wildlife Monitoring Summary Report. 2. Refer to Appendix B – Road Restrictions of the 2022 Wildlife Monitoring Summary Report for a table detailing the specific road restrictions and closures on every day of the year. This includes reasons for closure (e.g., caribou migration, weather, etc.), duration of closure and reason for reopening. During caribou migration, an email is sent to the Baker Lake Hunters and Trappers Organization (HTO), members of the KivA and members of Government of Nunavut-Department of Environment (GN-DoE), informing of the daily caribou migration activities. Agnico Eagle to work with the TAG to clarify required documentation for road reopening.

Recommendation (Summary)	Proponent Response
<p>GN AR #05</p> <ol style="list-style-type: none"> 1. Future analyses of the caribou behaviour study in the annual report should differentiate between different Project roads and/or types of traffic (e.g., haul trucks, vans, pick-ups/cars, all-terrain vehicles (ATVs)). 2. Study methodology should be modified such that future analyses are able to categorize travel direction as towards, away, or parallel to roads, accounting for prevailing direction of migration as an interacting factor. 3. Study results should be discussed in the context of data on daily and seasonal traffic frequencies on Project roads and the potential for open roads to act as a barrier to movement of caribou. 	<ol style="list-style-type: none"> 1. Due to sample size, the proposed analysis to differentiate between roads and vehicle types has had limited success due to sample size. However, with additional years of data, the sample size has grown, and this analysis may be possible. Categories of vehicle type may have to be reduced to heavy vehicle, light vehicle, and ATVs to reduce the impact on statistical power. 2. Direction of travel has been recorded as parallel or perpendicular. For the late 2023 season, data collection forms will be expanded to allow users to record whether caribou were moving away or towards the road. However, as the dataset will be significantly limited, Agnico Eagle would like to temper expectation of the ability to provide statistically significant results on additional analyses not originally captured within the methodology of the study. 3. The current format of data recorded for each road will make it difficult to have precise information and the uncertainty of data will be a caveat on any conclusions reached on subsequent data analyses. Traffic data are only available for two spatial points on the haul road and on the AWAR (i.e., entry point and exist point), therefore the estimate of traffic intensity would have to be extrapolated for the whole road for every day and then redistributed and may not perfectly reflect the conditions experienced by caribou at that location in that moment. This information will be explored for the 2023 report.
Crown-Indigenous Relations and Northern Affairs Canada	
<p>CIRNAC #1</p> <ol style="list-style-type: none"> 1. Indicate whether the 2022 potentially acid generating (PAG) ratio for the IVR pit (i.e., 82%) is consistent with design expectations at the time the Whale Tail Mine Expansion was approved. 2. If the PAG ratio for the IVR pit is higher than originally predicted, indicate: <ul style="list-style-type: none"> ○ How this will influence environmental performance and waste rock management practices during operations 	<ol style="list-style-type: none"> 1. Table 5-3 in the <i>2022 Annual Report</i> contains an error. The classification for IVR pit non-potentially acid generating (NPAG) and PAG are mixed and should be opposite of what was presented. The 82% of NPAG is more consistent with previous year and with design expectation although a large percentage of this NPAG waste material remains unusable for construction & cover (closure) activity due to arsenic content.

Recommendation (Summary)	Proponent Response
<p>and Waste Rock Storage Facilities closure strategies.</p> <ul style="list-style-type: none"> How the higher PAG ratio has been incorporated into post-closure water quality predictions for the site. 	<p>2. As noted above, the PAG ratio presented in the Table 5-3 of the <i>2022 Annual Report</i> contains an error. The corrected NPAG and PAG percentage for IVR pit are consistent with the design expectations from the approval of the Whale Tail Mine Expansion.</p>
<p>CIRNAC #2</p> <ol style="list-style-type: none"> Confirm if arsenic loadings to the Whale Tail and IVR pits, as indicated by sump monitoring, are greater than the predictions presented in the Final Environmental Impact Statement (FEIS) documents for the Project. Investigate and describe the factors that are contributing to the pit sumps having arsenic loadings that are higher than predicted in the FEIS (e.g., pit wall seepage). Indicate any modifications that will be needed to the Whale Tail and IVR Pit closure strategy to ensure that water quality in the pit lakes will serve as viable aquatic habitat. 	<ol style="list-style-type: none"> A graph was provided and Agnico Eagle noted that the concentration of total arsenic measured in the pits in 2022 were generally higher than the FEIS forecast. Predictions for the FEIS were developed using a model (Golder 2018) and included various assumptions. See response above. For the 2023 Annual Report Water Quality Forecast, Agnico Eagle will evaluate and if necessary re-calibrate the model using recent geochemical data, and recent monitoring data. Improving the modelling of arsenic loading in the water quality forecasts will help provide a more accurate forecast to support adaptive measures and determine if modifications need to be made to the Whale Tail and IVR Pit closure strategy.
<p>CIRNAC #3</p> <ol style="list-style-type: none"> Investigate and explain the factors that are resulting in substantive temporal variability in the water quality of Whale Tail pit sumps and attenuation ponds. Discuss any potential implications that the temporal variability will have on the environmental performance of the site, both during operations and the post-closure phase. 	<ol style="list-style-type: none"> See response to CIRNAC #2. The temporal variability of concentrations in the pits is controlled during operations by pumping water collected in the pit sumps to the attenuation ponds then sending it by the operations water treatment plant (O-WTP) for water quality treatment, prior to discharge to the receiving environment. The O-WTP is designed to treat Total Arsenic and total suspended solids (TSS). Further information was provided in response to CIRNAC #2 for the approach to update the water quality forecast model and for closure and post-closure preparation.
<p>CIRNAC #4</p> <p>Provide a detailed description of the causes, environmental impacts, and mitigations associated with the burning of the Meadowbank landfill.</p>	<p>The cause of the landfill fire cannot be proven to an acceptable level of certainty. The most likely cause could be from improper waste segregation during the transfer from the roll off bin to the landfill. Preventative measures were established following the investigation to minimize the potential of a fire within the landfill or other areas on site in the future. Environmental awareness toolboxes were completed with all departments.</p>

Recommendation (Summary)	Proponent Response
	<p>A procedure was created to establish a fire watch after pushing new material at the landfill and an inspection process for roll off operators when dumping at the landfill. Additional signage was installed on general waste roll off bins to present acceptable material to be disposed of in the bins. No environmental impacts associated with the landfill burn were measured through the various environmental monitoring program around site.</p>
<p>CIRNAC #5 Provide details of findings and recommendations for all new spill management initiatives in future Annual Reports. This should include, but not be limited to, the new spill action plan, the spill FMEA and any new corrective measures.</p>	<p>Agnico Eagle will provide more information in the 2023 Meadowbank Complex Annual Report.</p>
<p>CIRNAC #6 Convene an annual workshop with regulators and interested parties to discuss the status of closure planning for the Meadowbank and Whale Tail Mines beginning in 2023. The workshop would be to ensure organizations are informed of closure requirements and to proactively identify key issues that need to be resolved on a priority basis. This will facilitate the timely design, approval, and implementation of an appropriate closure strategy for the sites. CIRNAC also provided a list of closure-related questions raised in previous Annual Report TRCs, for use as discussion points during the closure workshops.</p>	<p>Agnico Eagle intends to continue providing updates on progressive closure work, closure planning and closure engineering concepts, for both Meadowbank and Whale Tail sites, through the Annual Report and the next version of the Interim Closure and Reclamation Plan. Additional information will further answer the comments related to closure as additional information becomes available.</p> <p>In the next version of the Interim Closure and Reclamation Plan is scheduled for 2024 and preliminary schedule of workshop with regulators and interested parties will be presented, for the remaining part of operation until the submission of the Final Closure and Reclamation Plans.</p>
<p>CIRNAC #7</p> <ol style="list-style-type: none"> 1. Provide a detailed table describing the factors that contributed to 2022 water quality predictions being higher than one or more of the following: a) FEIS predictions; b) predictions from 2021; and c) predictions that exceed environmental quality criteria. 2. Describe why there is a high-degree of variability between the 2021 and 2022 predictions. 3. For any parameters that are predicted to exceed 75% of the environmental quality criteria during post-closure, describe the approaches that will be taken to ensure significant adverse impacts do not occur. 4. Describe the studies that Agnico Eagle will undertake between now and the finalization 	<ol style="list-style-type: none"> 1. The model platform, assumptions and input used for the 2022 annual forecast was changed from the platform used in the 2021 annual forecast and the FEIS. Changes in the model platform and model assumptions can produce variable results; however, monitoring data do not show an increasing trend over time. Results from the CREMP concluded that FEIS predictions were exceeded for total phosphorus at WTS and total alkalinity, total dissolved solids (TDS), total lithium, and several ionic compounds at Whale Tail South (WTS) and Mammoth Lake (MAM) in one or more sampling events. However, the absolute concentrations of these parameters remain low. Routine water

Recommendation (Summary)	Proponent Response
<p>of the closure plan to verify the accuracy of water quality predictions.</p> <p>5. Describe if and how the higher than originally anticipated water quality predictions will affect closure strategies for the site.</p>	<p>quality monitoring will continue in 2023 to track emerging spatial and temporal trends.</p> <p>2. The 2022 model is more conservative and is based on the site water/mass balance model and assumes completely mixed ponds. It uses as input all of the water volumes transferred on the site in 2022 and the water volumes forecasted based on an average year. For the 2023 Annual Report the water quality forecast model will be adjusted based on recent field measured values.</p> <p>3. To ensure adverse impacts do not occur, Agnico Eagle will examine the Water Treatment Plant (WTP) to ensure that it is performing at its maximum % removal. It is important to note that Canadian Council of Ministers of the Environment (CCME) guidelines have been used for the water quality forecasting.</p> <p>4. The water quality forecast will be updated as additional geochemistry data and on-site water quality data becomes available, which will contribute to improve the models, inform on adaptive management measures, and provide better predictions of water quality for closure and post-closure. Site-specific criteria will be developed and presented in the next Interim Closure and Reclamation Plan (ICRP) and in the Final Closure and Reclamation Plan.</p> <p>5. This closure strategies for the site remain unchanged. As per the ICRP, following completion of flooding of the open pits, the flooded pit lake will meet water quality objectives and demonstrate steady state conditions to confirm the pit lake can be reconnected to the downstream receiving environment. Routine pit lake water quality monitoring will be undertaken during closure and collected data will be used to calibrate and update the water quality model.</p>
<p>CIRNAC #8</p> <p>It is recommended that Agnico Eagle, on a priority basis, revisit the water quality modelling assumptions and approaches used for both Meadowbank and Whale Tail to ensure all future project decisions (particularly closure) are</p>	<p>1. The water quality forecast model uses a monthly time-step for water movement. It may be possible to integrate to the model a monthly time step with regard to water quality and assess if it is possible to vary the input stream water quality over time.</p>

Recommendation (Summary)	Proponent Response
<p>informed by sufficiently accurate predictions. At minimum, factors to consider should include:</p> <ol style="list-style-type: none"> 1. using monthly (or smaller) time steps for all model inputs instead of the current one-year time step; 2. performing hydrodynamic modelling of receivers instead of assuming fully mixed conditions; 3. performing sensitivity analyses to accurately capture the range of uncertainty associated with water quality predictions; and, 4. expanding efforts to characterize loadings from pit walls. 	<p>However, this adds another level of complexity but will be investigated further for both the Meadowbank and Whale Tail water quality forecast model.</p> <ol style="list-style-type: none"> 2. Hydrodynamic modelling is another type of tool used to predict possible future conditions and will be considered by Agnico Eagle. However, models that assume fully mixed conditions are appropriately conservative and can be used to support operations and adaptive management. 3. Sensitivity analysis will be performed for next year's water quality forecast model for a few key parameters. For example: runoff volumes to manage for a dry and wet year, increase in arsenic loading from pit walls, etc. Results will be included in the next Water Quality Forecast Reports. 4. Further geochemistry analysis and additional pit sumps water quality data will be integrated when available to the yearly updated water quality forecast model. Strategies are being developed to obtain additional in situ water quality data from the pits.
Environment and Climate Change Canada	
<p>ECCC #1</p> <p>Requests that Agnico Eagle perform a first order quality control of the weather data from the climate station, with an emphasis on wind speed and direction; the primary comparison of wind data would be with the sensor at DF-7 with the Baker Lake NAVCAN Station as a secondary station. Erroneous data should be subsequently flagged.</p>	<p>Agnico Eagle has initiated a review of internal procedures for quality control and reporting of the onsite weather data, including instrument maintenance and calibration records. Agnico Eagle has also reviewed the Meadowbank weather station wind data (daily average speed and direction) in comparison with the wind data collected at the Whale Tail weather station. This is considered to be the most appropriate comparison, given the proximity and similarity of the installations. In this evaluation, any deviations from the normal range of expected wind speed values were identified, along with trends suggestive of instrument drift or malfunction. Results of this investigation will be provided in the next reporting cycle.</p>
Fisheries and Oceans Canada	
<p>DFO #1</p> <p>Provide a plan for repair and/or replacement of damaged and obstructed culverts prioritizing</p>	<p>Annually, a complete geotechnical inspection is performed by a third party along the AWAR and WTHR. The report is submitted as an appendix of</p>

Recommendation (Summary)	Proponent Response
repairs to culverts with potential to affect fish passage and those affecting fish and fish habitat along Whale Tail Haul Road and AWAR.	the Annual Report along with the implementation plan. Agnico Eagle will include in future annual report a list of culverts crossing fish bearing along with proposed plan for the repair and or replacement, if needed.
<p>DFO #2</p> <p>Provide additional details on the “Additional effort” being implemented to ensure accurate vessel tracks, and compliance with setbacks from sensitive habitats. Retrieve the missing information from other sources of information where feasible.</p>	<p>Agnico Eagle acquires archived Automatic Identification System (AIS) data from Vesseltracker, a commercial AIS supplier that aggregates AIS data for satellite and shore-based stations. These data vary in frequency based on distance from shore, location of shore-based stations, and position of satellites. The frequency of fixes is beyond the control of Agnico Eagle, as it is often due to a “gap” in satellite availability over the location of the vessel in the Arctic at the time. Agnico Eagle continues to investigate alternatives; however, Vesseltracker remains the most reliable at this time. Agnico Eagle continues to train vessel captains regularly and remind them of the importance of maintaining sensitive habitat buffers prior to the start of each shipping season.</p>
<p>DFO #3</p> <p>Update the marine mammal monitoring protocol and include increased monitoring efforts. This updated protocol should be developed by a marine mammal expert, be reviewed and approved by DFO and aim at effectively detecting and avoiding marine mammals during shipping.</p>	<p>The marine mammal monitoring protocol is described in the Marine Mammal Management and Monitoring Plan (MMMMP), within the Shipping Management Plan, and the Marine Mammal Survey SOP. The protocol is for a dedicated MMSO to complete a minimum of one survey per day, however two (2) or three (3) surveys daily is preferred when timing allows, with each marine mammal survey lasting for a minimum of 1.5 hours to not more than two (2) hours to mitigate observer fatigue and eyestrain. More than one (1) dedicated marine mammal survey per day is frequently conducted during shipping, and survey effort continues to improve each year. If a marine mammal is observed during the voyage outside of the dedicated marine mammal observation period (i.e., off- effort), this is recorded as an incidental sighting, and any mitigation required to avoid marine mammals during shipping is recorded and reported in the annual report.</p>
<p>DFO #4</p> <p>Include a non-Indigenous Species/Aquatic Invasive Species Monitoring Program around zones of higher risk. This monitoring plan should be developed by an expert, be reviewed, and</p>	<p>As per its Shipping Management Plan, Agnico Eagle requires the shipping companies contracted to supply the Meadowbank Mine through the annual sea-lift operations to comply with the Ballast Water Regulations (which requires a</p>

Recommendation (Summary)	Proponent Response
<p>approved by DFO and response measure should be added to the shipping management plan.</p>	<p>Ballast Water Management Plan), which reduces the risk of invasive species being introduced as a result of mine related shipping activities. The ballast water treatment systems from the vessels used to supply the Meliadine Mine also comply with the applicable requirements and regulation for ballast water management. The Shipping Management Plan was developed in collaboration with third party experts and was reviewed by Parties through the NIRB process. Subsequent updates of the Shipping Management Plan have been submitted to NIRB and have been made available for Parties to review and comment.</p>
<p>DFO #5 Monitor and model the noise footprint using expert support. This model should aim at evaluating the impact of shipping noise on marine mammals present on the shipping route. The Shipping Management Plan should be updated according to the model.</p>	<p>The FEIS predicted that in some cases, vessel noise may elicit behavioral changes in individual marine mammals that are in close proximity to these vessels. The residual environmental effect of a change in marine mammal behavior as a result of Project vessel noise was considered to be low in magnitude, and the likelihood of behavioral disturbance from Project-related vessel noise was considered likely but would be reversible soon after underwater noise effects subsided. Agnico Eagle continues to follow the Shipping Management Plan and the Marine Mammal Management and Monitoring Plan that was developed for the Project to meet commitments made during the hearings related to Marine Shipping.</p>
Health Canada	
<p>HC #1 1. Recommends that outdated HC guidance is replaced with updated versions (where applicable). 2. If more recent country food consumption data are available and are representative of the Kivalliq Region, HC recommends updating Table 5 and the risk assessment accordingly.</p>	<p>Agnico Eagle will update the references as applicable to the established country foods assessment pathways in advance of the next assessment (2024).</p>
<p>HC #2 1. Include consumption of fish in the potential exposure pathways for the Country Foods Screening Level Risk Assessment Plan or providing further justification for its exclusion from the country foods plan.</p>	<p>Agnico Eagle will present a revised Wildlife and Human Health Risk Assessment (HHRA) Country Foods Screening Level Risk Assessment Plan incorporating responses to Health Canada's recommendations in March 2024. 1. The annual Mercury Monitoring Report describes the assessment of tissue</p>

Recommendation (Summary)	Proponent Response
<ol style="list-style-type: none"> 2. Supports updating the Country Foods Screening Level Risk Assessment Plan to include berries if IQ indicates potential for a complete exposure pathway. 3. Recommends that additional chemical-specific rationale be provided for screening out any COPCs where the use of maximum measured baseline + 10% is proposed as a screening value. 	<p>concentrations, and is provided as an appendix of the Annual Report to the NIRB. Agnico Eagle will clarify this reporting structure in the next country foods risk assessment report and include a summary of results. However, at this point, hazard quotient calculation is not planned, instead, the data analysis for mercury will focus on comparison of analytical results with predictions made in the FEIS Addendum for the Whale Tail Pit Expansion Project and supporting documents. Further risk-based analyses will be implemented in the event that monitoring results exceed model predictions.</p> <ol style="list-style-type: none"> 2. In advance of the next country foods risk assessment, Agnico Eagle will review IQ to confirm whether consumption of berries is a complete exposure pathway for this project and will update the model accordingly. Agnico Eagle notes that all measured soil concentrations for AWAR monitoring locations met the identified health-based screening values, so no Contaminants of Potential Concern (COPC) would be identified for berries under that evaluation. 3. Agnico Eagle will adjust these screening criteria to reflect site-specific measured background concentrations, rather than background + 10%.
<p>HC #3</p> <p>Requests that future monitoring reports provide Lake Trout sampling data from baseline (i.e., 2015 and 2018) and post-impoundment (i.e., 2020) sampling events in the Mercury Monitoring Program Report. As was done for the small-bodied fish, future monitoring data can be added to the Lake Trout database.</p>	<p>Future reports will include Lake Trout sampling data from baseline and post-impoundment sampling events in the Report. No Lake Trout were collected in 2021 or 2022 and the next sampling event is planned for 2023. The plan is to add the 2023 Lake Trout data to the existing large-bodied fish database and provide the updated database in the 2023 Mercury Monitoring Program Report.</p>
<p>HC #4</p> <ol style="list-style-type: none"> 1. Recommends Table 5-2 (which outlines four (4) scenarios and the implications for managing methylmercury risks) be updated to describe all scenarios with the same level of detail, including a scenario where the new baseline exceeds peak mercury predictions. 	<ol style="list-style-type: none"> 1. Agrees with the recommendation to update the table and will include an additional scenario to consider a situation where both the reservoir effect and the “new baseline” exceed predictions in future versions of the Whale Tail Mercury Monitoring Plan. This additional scenario will be described with the same level of detail as the other scenarios.

Recommendation (Summary)	Proponent Response
<p>2. Requests that future versions of the Whale Tail Mercury Monitoring Plan include additional rationale for using Lake Trout predicted mercury (Hg) concentrations for decision-making and explain how the decision-making framework is used to determine the potential for significant risks to human health due to fish consumption.</p>	<p>2. Agnico Eagle plans to include additional rationale to future versions of the Whale Tail Mercury Monitoring Plan for using Lake Trout predicted Hg concentrations and explain how the decision-making framework is used to determine the potential for significant risks to human health due to fish consumption.</p>
<p>HC #5</p> <p>1. Encourages locating noise monitoring stations where they can monitor future noise levels (particularly night-time levels) experienced inside of dwelling spaces and inform the need for additional mitigations, should measured levels exceed noise guidelines.</p> <p>2. Supports the implementation of additional mitigations under the Proponent's noise abatement plan (Project Certificate Condition 10) should monitoring results indicate potential adverse noise-related health impacts for off-duty workers.</p>	<p>Agnico Eagle will complete a noise survey campaign. Results and mitigation measures will be provided in the 2023 annual report.</p>
<p>HC #6</p> <p>1. Use the most stringent federal, provincial, or territorial air quality standards applicable to the given area. In many cases, although they are not based on health effects alone, the CAAQS will be the most stringent levels for key air pollutants, especially for longer-term projects with emissions after 2025.</p> <p>2. Implement all economically and technologically feasible mitigation measures to limit emissions of non-threshold air contaminants to the extent possible.</p>	<p>1. As per the approved Air Quality and Dustfall management plan, Agnico Eagle is already comparing air quality monitoring results to the current CAAQS. Agnico Eagle will continue to provide comparisons to the current CAAQS in future annual reports.</p> <p>2. Agnico Eagle is continually reviewing air quality management measures onsite, as described in the most recent Air Quality and Dustfall Monitoring Plan (Version 6; March 2022). In addition, the implementation and effectiveness of all prescribed air quality controls in constraining Project-related impacts to the scope of FEIS predictions is assessed annually in the Meadowbank Complex Post-Environmental Assessment Monitoring Program.</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. 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 their *2022 Annual Report* that the impact predictions within the FEIS continue to be supported by the monitoring results, with a few exceptions in the following categories:

Aquatic Environment:

- Water quantity; and
- Water quality,

Air Quality:

- Dustfall (Onsite Roads and Traffic, Airstrip).

Socio-Economic

- Inuit Employment.

Agnico Eagle discusses causes and mitigation methods for all categories throughout Section 12 of their *2022 Annual Report*.

In 2019, Agnico Eagle extended the PEAMP to include the Whale Tail Project. Monitoring results from the Whale Tail Project are compared with the predictions outlined in the original 2016 FEIS for the Project

as well as the 2018 FEIS Addendum. 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 areas in order to align with the Meadowbank PEAMP:

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

Overall, Agnico Eagle concluded in their *2022 Annual Report* that the impact predictions within the Whale Tail Pit FEIS continue to be supported by the monitoring results, with a few exceptions in the following categories:

Aquatic Environment

- Water quality

Air Quality and Climate

- Vehicle emissions and fugitive dust from traffic on the haul road; and
- Total suspended particulates (TSP).

Agnico Eagle discusses causes and mitigation methods for all categories throughout Section 12 of their *2022 Annual Report*.

In addition to review of Agnico Eagle's PEAMP evaluation, the NIRB reviewed and provides comments and suggestions in section [3.4](#) on various deficient topics within the *2022 Annual Report* for both the Meadowbank Project and the Whale Tail Project.

3.3 NIRB SITE UPDATE AND PUBLIC INFORMATION SESSION

In July 2023, 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. There are items that the NIRB discussed in the 2023 Site Visit Report that will be addressed during the NIRB's 2024 Site Visit and are being discussed between the Monitoring Officer and Agnico Eagle in quarterly meetings.

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 hosted in person Public Information Session on July 31, 2023, at the Nunamiut Lodge. Approximately 26 people in total attended the afternoon or evening sessions 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:

Topic	Comments/Questions
Closure	<ul style="list-style-type: none"> • When is the mine closing? • How far along is the mine and how much longer will it be open? A lot of people from Baker Lake work at the mine. • Agnico Eagle needs to inform the community of their closure plans. The business community needs to know and be able to plan. • Where are the employees going to go? • The employment in Baker Lake is not only those working at Meadowbank mine but all the employees working for the contractors that serve the mine. • The Baker Lake economy is going to go back to arts and crafts, and tourism. • Although the older generation lived on the land, this newer generation grew up in a wage economy. • People in the community are unaware that the mine is closing soon.
Dust	<ul style="list-style-type: none"> • Concerns regarding dust on road. • How bad is the dust from the road? People pick berries around the road area. • Is there dust monitoring? • Air quality should be considered as “satisfactory”.
Employment	<ul style="list-style-type: none"> • Concerns with favouritism and nepotism occurring in the hiring of contracted companies. • Comment on employee losing job for unjust reasons. Who can the employees go to?
Caribou	<ul style="list-style-type: none"> • Has the NIRB noticed impacts to caribou? Have they gotten better or worse? • Can somebody provide a number of how many caribou are harvested in the Kivalliq each year? • The road has made it easier to harvest caribou.
Inuit Qaujimajatuqangit	<ul style="list-style-type: none"> • Inuit Qaujimajatuqangit is something that Agnico Eagle has failed at every year.

Topic	Comments/Questions
	<ul style="list-style-type: none"> If they had used Traditional Knowledge then a lot of the social issues such as families being broken and people being fired for no reason, would not have occurred.
All Weather Access Road (AWAR)	<ul style="list-style-type: none"> Tractor trailers should slow down crossing the bridges, particularly at kilometer 49. People use the road for hunting and fishing, if the mine shuts down can people still use the road? Is it going to still be there?
NIRB Process	<ul style="list-style-type: none"> The local business community employs many people to support the mine, but they are not represented at hearings (only KIA, Hamlet, and HTO). How does the NIRB define what terms and conditions are “satisfactory” or “needs improvement”? How does Agnico Eagle go from being out of compliance to in-compliance? Who determines whether Inuit Qaujimajatuqangit is in-compliance? Does the NIRB have a socio-economic expert? Why are there no elected officials or Hamlet/KIA representatives at NIRB meetings like this one?
General	<ul style="list-style-type: none"> What is happening at the mine site? People used to camp and fish around the mine area and now they can’t anymore. Community hasn’t felt benefits from KIA and NTI making money from the mine.

3.4 AREAS REQUIRING FURTHER STUDY OR CHANGES TO THE MONITORING PROGRAM

3.4.1 Meadowbank Gold Mine

The NIRB is looking forward to more information in Agnico Eagle’s *2023 Annual Report* for the following Project Certificate No. 004, Amendment 3 Terms and Conditions: 36, 40, 41, 56, 59, 60, 61, 62, 68, 74, 75, and 86.

General/Administrative

In order for the NIRB and other parties to assess compliance with Project Certificate Terms and Conditions, it is important that all Terms and Conditions are addressed in writing in Agnico Eagle’s *Annual Report*, even if compliance has not changed from previous years or if no updates were made. Listing and addressing all terms and conditions also makes the report more accessible to members of the public who may not be familiar with the material included in previous reports. Listing all terms and conditions removes ambiguity for the Board when determining compliance and ensures that Terms and Conditions are not marked non-compliant due to missing information. It was noted by NIRB staff while reviewing the *2022 Annual Report* that several Meadowbank Project Certificate Terms and Conditions were not

referenced or addressed in any capacity within the report. Specific instances are noted in [Appendix I - Compliance with the Meadowbank Gold Mine Project Certificate No. 004, Amendment 003](#).

- NIRB staff recommend that Agnico Eagle reference each Term and Condition in the Meadowbank Project Certificate Amendment 3 starting in the *2023 Annual Report* and future *Annual Reports*.

Update on the Appendix A Commitments

Term and Condition 1 of Project Certificate No. 004 specifies that each commitment made in during the Final Hearing must be incorporated and met. During the 2023 Monitoring year, no comments or information were received from Parties regarding the commitment updates in Agnico Eagle's *2022 Annual Report*. This gap in information results in difficulty determining whether Parties agree that commitments are fulfilled. The NIRB intends to ensure that parties agree on which commitments remain part of the active monitoring process.

The NIRB requires information from both the Proponent and Parties in order to coordinate, integrate, and ensure that the NIRB's project-specific monitoring programs yield the information required to accurately measure effects and adequately assess compliance with Terms and Conditions, Regulatory Instruments, and Agreements.

- NIRB staff request that Agnico Eagle and Regulatory Authorities comment on the Commitments listed in Appendix A of Project Certificate No. 004 during the 2023-2024 Monitoring Process.

Deterrence of caribou at Tailings Storage Facility – Condition 59

The NIRB acknowledges Agnico Eagle's observations that the Tailings Storage Facility is not frequently visited by caribou and therefore does not require the installation of caribou deterrents. However, this conclusion will continue to result in deficient compliance for Term and Condition 59 due to the requirement for deterrents at this location and a lack of information in the annual report.

- NIRB staff suggest that Agnico Eagle provide further discussion in the 2023 Annual Report as well as future annual reports on the logistics involved in installing wildlife deterrents and the constraints that prevent them from complying with this Term and Condition.

Local area marine mammal monitors – Condition 36

The NIRB appreciates Agnico Eagle's efforts to hire and maintain local marine monitors and acknowledges the difficulties faced by Agnico Eagle in meeting the requirements of this condition. The NIRB is interested in understanding the full scope of efforts taken by Agnico Eagle to improve this situation, such as specific training programs for local marine monitors, recruitment strategies for this position, and/or any public engagement with local communities to gather information that may help to solve the problem.

- NIRB staff request that the Agnico Eagle's *2023 Annual Report* and future *Annual Reports* includes a thorough discussion of local area marine mammal monitor recruitment practices, training programs, and/or engagement activities undertaken each year.

Mitigation procedures for marine mammals – Condition 41

During the party comment period following Agnico Eagle's submission of their *2022 Annual Report*, the NIRB received comments from DFO pertaining to Term and Condition 41 of Project Certificate No. 004. In their written comments, DFO noted that Agnico Eagle's current Marine Mammal Monitoring policy of one (1) survey of 1.5-2 hours per day is not sufficient for effectively monitoring marine mammals. It was also noted that there were ongoing outages over for ship location data over the past three (3) monitoring years, resulting in data being missed for up to several days at a time. DFO requested that any marine mammal monitoring plans should be reviewed by DFO to ensure efficacy.

- The NIRB requests that the Proponent work with DFO on the Marine Mammal Monitoring Policy. The NIRB requests an update on this Term and Condition from Agnico Eagle in their *2023 Annual Report* and from DFO in their written comments.

3.4.2 Whale Tail Project

The NIRB is also looking forward to more information in Agnico Eagle's *2023 Annual Report* for the following Project Certificate No. 8, Amendment 1 Terms and Conditions: 2, 28, 30, 35, 40, 42, 51, 54, 58, 59, 60, 61, and 62.

2.0 FINDINGS

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

- 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

Dust Suppression Measures on the All-Weather Access Road

During the 2022-2023 monitoring year, Agnico Eagle reported on their dust suppression measures in their *2022 Annual Report* and the September 29, 2023 memo. Agnico Eagle applies chemical dust suppressant or Tetraflake (CaCl₂) at:

- The Baker Lake Facilities,
- The entire Whale Tail Haul Road (WTHR),

- Five (5) critical sections of the All-Weather Access Road (selected with the Baker Lake Hunters and Trappers Association in 2016), and
- The first 20 kilometres (km) of the AWAR.

Agnico Eagle listed their non-chemical dust suppression methods as road watering, placement of coarse material on the all-weather access road, road grading, and enforcement of lower speed limits.

The NIRB acknowledges improvements in the amount of area covered by chemical dust suppressant over previous years but notes that the wording of Project Certificate 008 Term and Condition 2 and Project Certificate 003 Term and Condition 74 require that all surface roads emitting dust must receive dust suppression measures.

The NIRB notes that without specific reporting on frequency, location, or established triggers for non-chemical dust suppression measures, the NIRB is not able to evaluate them towards compliance with terms and conditions. Therefore, these Terms and Conditions are not being met by Agnico Eagle's current dust suppression methods on the all-weather access road.

The NIRB also acknowledges the Government of Nunavut (GN)'s role in evaluating and releasing a list of approved dust suppressants for use in the Territory, and that this guidance has not been revised by the GN since 2014. The Board recommends that Agnico Eagle report on the frequency, location, and established triggers for any non-chemical dust suppression activities along the All-weather Access Road starting in their 2023 Annual Report. The Board also requests an update on any research being undertaken by Agnico Eagle and the Government of Nunavut on any methods for tracking and suppressing dust issues on unpaved roads, and whether this research will result in any updated guidance.

Incorporation of Inuit Qaujimajatuqangit into Monitoring and Management Plans

Agnico Eagle submitted their "Meadowbank and Whale Tail 2022 Public Consultations Report" as Appendix 5 of their *2022 Annual Report*. This Appendix is referenced by Agnico Eagle throughout their *2022 Annual Report* to comply with terms and conditions in Project Certificates 003 and 008 relating to the collection and incorporation of Inuit Qaujimajatuqangit. However, this Appendix does not provide a discussion of any information collected at the meetings, how it was incorporated into documents, and how the discussion went with the community/communities when Agnico Eagle reported back to the public. It is also noted that currently only information from organizations such as the Baker Lake Hunters and Trappers Organization or the Kivalliq Inuit Association appears to be tracked.

The NIRB heard feedback at their 2023 Community Information Session in Baker Lake that community members are also unclear about how their knowledge is used by Agnico Eagle and where they can find their knowledge reflected in monitoring and management plans. The NIRB notes that addressing these community concerns will require that information be accessible, straightforward and direct, and easy to locate. The NIRB discussed possible methods for addressing this community concern with Agnico Eagle staff during the NIRB's 2023 Site Visit, including dedicated print materials, tables, and summaries in the body of Agnico Eagle's future annual reports, and dedicated follow up meeting with communities and individuals. The Board requests that Agnico Eagle provide an explanation of the methods used to follow up with affected communities regarding the incorporation of shared Inuit Qaujimajatuqangit into monitoring and management plans, as well as any new follow up measures planned for 2024.

The NIRB also notes that it remains unclear on the status of the Baker Lake Dust Committee, which would be considered a method for collecting Inuit Qaujimajatuqangit specific to dust concerns. Based on Agnico Eagle's 2022 Annual Report and subsequent discussions with Agnico Eagle staff, it is unclear whether this group has been established. The Board therefore requests that Agnico Eagle provide an update on the formation of the Baker Lake Dust Committee and outline how the information gathered from the group is incorporated into their plans.

Community Engagement on the Subject of Mine Closure

During the NIRB's 2023 Community Information Session, the primary concern shared by community members was uncertainty and lack of accessible information regarding the closure of the Meadowbank and Whale Tail mines. Concerns centered around the assumed loss of infrastructure such as the All-weather Access Road and economic impacts on community members and local businesses. Community members stated that they are interested in receiving ongoing communication from Agnico Eagle regarding closure updates, timelines, and any re-employment programs that may be offered. While some of this information is covered in Agnico Eagle's Interim Closure and Reclamation Plan, the NIRB notes that this plan is not currently available on Agnico Eagle's public website, nor does it address all the specific concerns that community members shared orally. The Board therefore requests that Agnico Eagle provide commentary on any plans to increase public engagement on the subject of mine closure.

3.0 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 2022-2023 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: 36, 41, 56, 59, 60, 61, 62, 68, 74, 75, and 86;
2. Ongoing dust concerns on the AWAR;
3. Incorporation of Inuit Qaujimajatuqangit into monitoring and management plans and effective follow-ups with community members; and
4. Socio-economic programming and public engagement around mine closure and reclamation.

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, 28, 30, 35, 40, 42, 51, 54, 58, 59, 60, 61, and 62 (under Whale Tail Pit Project Specific Terms and Conditions).
2. Ongoing dust concerns on the AWAR;
3. Incorporation of Inuit Qaujimajatuqangit into monitoring and management plans and effective follow-ups with community members; and
4. Socio-economic programming and public engagement around mine closure and reclamation.

Prepared by: Leah Klaassen
Title: Technical Advisor II
Date: December 8, 2023
Signature:



Reviewed by: Kelli Gillard
Title: Manager, Project Monitoring
Date: December 8, 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 2021</u>	<u>Compliance Achievement 2022</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	The NIRB requires the Proponent and commenting parties to report on the Project Certificate Appendix A commitments. Information is to be included by the Proponent in the 2023 Annual Report and Parties in their 2024 comment submissions.
2. The NIRB's assignment of a Monitoring Officer.	n/a	Active In Compliance	Active In Compliance	Maintained by the NIRB in 2022.
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>2022 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 section 11.6.1 of the <i>2022 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	The 2022 Groundwater Monitoring Report was included as Appendix 42 of Agnico Eagle's <i>2022 Annual Report</i> .
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 License 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 License.
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 License.
12. Provide details of a comprehensive water use and water management plan for the Baker Lake	n/a	No Longer Active Completed	No Longer Active Completed	Completed prior to Water License approval and monitored through the Water License.

Term & Condition	Reporting Requirements	Compliance Achievement 2021	Compliance Achievement 2022	NIRB Comment
marshalling area, including monitoring of the discharge from the marshalling area sump.				
13. Water discharge requirements for Wally Lake and Third Portage Lake.	n/a	Active In Compliance	Active In Compliance	Agnico Eagle stated that no discharge was made to Wally Lake between 2018-2022 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 License 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	Section 5.1.1 of Agnico Eagle's 2022 Annual Report provides a summary of activities completed related to each item listed in the Term and Condition. Agnico Eagle notes that no leaching was observed on the pit slope or dike faces. It is also noted that seepage occurred at the base of the Vault Waste Rock Storage Facility (WRSF) and the results of water sampling reveal that the water seepage is of suitable quality to be released into the environment.
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	Agnico Eagle provided a revised Tailings Deposition Plan in Appendix 22 – 2022 Mine Waste Rock Management Plan Version 13. The deposition model will be valid until operations end in 2026 and aims to minimize freshwater consumption and ensure operational flexibility to react to potential challenges from in-pit deposition. Dust suppression implemented in the North Cell Tailings Storage Facility (TSF) in 2021-2022 to address dust issues.
19. Tailings cover requirements for both existing Tailings Storage Facility and the In-Pit Tailings. Report annually on freezeback effectiveness.	Annually	Active In Compliance	Active In Compliance	Current Final Closure and Reclamation Plan (FCRP) includes plans to use minimum 2 metres (m) thick rockfill cover at the TSFs and 4 m rockfill at the WRSF at closure. A study is ongoing to determine if new structures are required for the TSFs and a study of the design of the Portage WRSF began in 2022 (Appendix 21 - Portage Rock Storage Facility Closure Landform Design Report Version 3). Freezeback is effectively occurring in the Portage WRSF and the North Cell TSF, except for a seasonal active layer.
20. Mitigation measures for contamination from tailings and assessment of fault permeability to groundwater movement.	n/a	Active In Compliance	Active In Compliance	Groundwater Management Plan, Version 11, March 2020. 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 2021</u>	<u>Compliance Achievement 2022</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>2022 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 certified laboratory is on-site.
23. Water quality monitoring Quality Assurance/Quality Control (QA/QC).	Results to be submitted annually.	Active In Compliance	Active In Compliance	Within Agnico Eagle's <i>2022 Annual Report</i> , QA/QC Plan revised in March 2023 – Version 8 (Appendix 8). Chemical analyses and toxicity tests performed by Bureau Veritas, Aquatox, H2Lab, SGS, and ALS.
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	Addressed in the following plans: Hazardous Materials Management Plan, Version 7, March 2022; and 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 In Compliance	Addressed in the Landfill Design and Management Plan, Version 5, March 2021. The NIRB observed an operational carnivore deterrent sound cannon at the Meadowbank Landfill site. Agnico Eagle confirmed that Environmental Staff perform weekly inspections of the Landfill site in order to remove any food waste that may attract carnivores or raptors. Agnico Eagle reported that previous raptor nesting sites did not experience nesting in 2023 and the NIRB was able to observe raptor deterrents at several fuel tank locations.
26. Ensure spills are cleaned up and site maintained clean of debris.	n/a	Active In Compliance	Active In Compliance	Details on spill procedures are found in the Spill Contingency Plan, Version 19, April 2023. NIRB staff noted that the Site was tidy and free from debris during the 2023 Site Visit. Active spill cleanup was ongoing at km 87 of the AWAR and previous spill sites appeared to be well-managed.
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 19, April 2023.

Term & Condition	Reporting Requirements	Compliance Achievement 2021	Compliance Achievement 2022	NIRB Comment
				NIRB staff were able to observe the newly constructed fuel tank at the Meadowbank Site tank farm during the 2023 site visit.
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 and the official ICMC certificates were received in September 2022.
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	No new permitting activities for mine expansion were undertaken in 2022 for the Meadowbank Complex. However, in July 2022 Agnico Eagle proposed a Modification to the Meadowbank site to install a new 3.3 million litre (ML) fuel tank. In April 2023, Agnico Eagle proposed the 2023 Modification at the Whale Tail site. Upon the submission of the Whale Tail and IVR Pushbacks modification in 2021 and the 2023 Modification, 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.” Board Recommendation No. 3 from the NIRB’s 2022 Monitoring Report requested an update on these plans. Agnico Eagle stated that they will work to update the NIRB Public Registry with this information.
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	Updated No Net Loss Plan, October 2012 Habitat Compensation Monitoring Plan, Version 4, February 2017. Analysis completed in 2019 and is in Appendix 40 of the 2019 annual report ⁵ .
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	The NIRB notes that this T&C is not directly addressed in Agnico Eagle’s 2022 <i>Annual Report</i> . DFO previously raised concerns about damaged and obstructed culverts, but compliance remains unchanged from the previous monitoring year as DFO did not complete compliance inspections in 2022.

⁵ NIRB File No.: 324201

<u>Term & Condition</u>	<u>Reporting Requirements</u>	<u>Compliance Achievement 2021</u>	<u>Compliance Achievement 2022</u>	<u>NIRB Comment</u>
32. (Amended) All-weather Access Road (AWAR) 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>32e:</u> Agnico Eagle met with the Baker Lake Mayor, Hunters and Trappers Organization (HTO) Manager, KivlA-Lands, and Elders in 2022.</p> <p><u>32f:</u> Agnico Eagle reported using the radio and Facebook to share information regarding the AWAR.</p> <p><u>32g:</u> A summary of the non-mine authorized road use was provided in the <i>2022 Annual Report</i>.</p> <p><u>32h:</u> 2022 Wildlife Monitoring Summary Report (Appendix 47). In 2022 there were eight (8) environmental spills along the AWAR and five (5) project-related wildlife mortalities (Arctic hares, wolverine, and ptarmigan).</p>
33. Access and Air Traffic Management Plan.	n/a	Active In Compliance	Active In Compliance	<p>Agnico Eagle provided the most recent version of their AWAR Transportation Management Plan, October 2022 in Appendix 45.</p> <p>The COVID-19 no-contact procedure was removed in 2022, but a restricted policy remains in place to ensure only work-related interactions occur. NIRB staff did not observe no-contact procedures while onsite in 2023.</p>
34. Full-time road safety, search, and rescue position.	n/a	Active In Compliance	Active In Compliance	<p>The NIRB notes that this Term and Condition (T&C) is not addressed in Agnico Eagle's <i>2022 Annual Report</i>. Agnico Eagle staffs their AWAR gatehouse 24 hours per day, and non-mine use of the road requires check-in with gatehouse staff. Gatehouse staff are aware of mine and non-mine use of the road and are able to contact RCMP if needed.</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	<p>At end of Mine life which includes the life of the Whale Tail Pit project.</p>
36. Local area marine mammal monitors onboard all vessels.	n/a	Active Deficient - in progress	Active Deficient - in progress	<p>Marine Mammal Management and Monitoring Plan, Version 4 (April 2022) was submitted as Appendix 56 of Agnico Eagle's <i>2021 Annual Report</i>. The 2022 Marine Mammal and Seabird Observer Report was submitted in Appendix 39 of the <i>2022 Annual Report</i>. No marine mammal vessel strikes or interactions with seabirds were recorded in 2022. Further information regarding the status of the Local Marine Mammal Monitoring Program can be found in Agnico Eagle's memo to the NIRB dated September 29, 2023.</p> <p>The NIRB appreciates Agnico Eagle's efforts to hire and maintain local marine monitors and acknowledges the</p>

<u>Term & Condition</u>	<u>Reporting Requirements</u>	<u>Compliance Achievement 2021</u>	<u>Compliance Achievement 2022</u>	<u>NIRB Comment</u>
				difficulties faced by Agnico Eagle in meeting the requirements of the T&C. The NIRB looks forward to further information in the <i>2023 Annual Report</i> .
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 2022 and the shipping and emergency plans are reviewed annually. Transport Canada made suggestions regarding updates in the 2022 Annual Notice to Mariners for Agnico Eagle.
38. Shipping requirements through Chesterfield Inlet – limited number of ships where possible.	n/a	Active In Compliance	Active In Compliance	Information can be found in the 2022 Marine Mammal and Seabird Annual Report, included as Appendix 39 of Agnico Eagle's <i>2022 Annual Report</i> . In 2022, 24 vessels (89%) servicing Meadowbank and Meliadine sites travelled south of Coats Island as per the T&C. The remaining three (3) vessels (11%) travelled north of Coats Island due to inclement weather conditions.
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	Agnico Eagle held a public shipping update meeting in Chesterfield Inlet. The NIRB notes that there is no information provided in Appendix 5 of Agnico Eagle's <i>2022 Annual Report</i> detailing any comments, concerns, or feedback held at this 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	A summary of meetings with local HTOs and the community of Chesterfield Inlet can be found in Appendix 5 of Agnico Eagle's <i>2022 Annual Report</i> . Information is missing regarding the specific traditional knowledge collected and how this information is incorporated into operational changes, as per the T&C. Inclusion/incorporation of Inuit Qaujimajatuqangit should be summarized and reported on in the annual report and outside of Appendix 5. It is important for readers/Public to understand how and where their shared knowledge is being used and how Projects may change as a result of their knowledge.
41. Mitigation procedures for marine mammals.	n/a	Active In Compliance	Active Deficient – in Progress	2022 Marine Mammal and Seabird Annual Report included as Appendix 39 of Agnico Eagle's <i>2022 Annual Report</i> . No marine mammal or seabird incidents were reported for the 2022 shipping season; however several issues were raised by parties with regards to Agnico Eagle's mitigation procedures. DFO notes that Agnico Eagle's current Marine Mammal Monitoring policy of one (1) survey of 1.5-2 hours per day is not sufficient for effectively monitoring marine mammals. It was also noted that there were ongoing outages over for ship location data over the past three (3) monitoring years, resulting in data being missed for up to several days at a

<u>Term & Condition</u>	<u>Reporting Requirements</u>	<u>Compliance Achievement 2021</u>	<u>Compliance Achievement 2022</u>	<u>NIRB Comment</u>
				time. Any marine mammal monitoring plans should be reviewed by DFO to ensure efficacy. The Board looks forward to updates from Agnico Eagle and DFO on the improvements to the marine monitoring process in Agnico Eagle's 2023 Annual Report and subsequent comment period.
42. Fuel transfer operational requirements.	n/a	Active In Compliance	Active In Compliance	No issues of non-compliance reported in Agnico Eagle's 2022 Annual Report.
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 Agnico Eagle's 2022 Annual Report.
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 19, April 2023 2) Emergency Response Plan, Version 17, Oct 2021; and 3) Oil Pollution Emergency Plan, Version 15, March 2022. Several spill and emergency response training sessions were held by Agnico Eagle in 2022, including mock spill exercise at the Baker Lake facilities, a spill response training session given by SWAT Consulting Inc., and a desktop spill exercise. Transport Canada has requested annual updates.
45. Insurance requirements for contracted shippers.	n/a	Active In Compliance	Active In Compliance	All shipping contractors using marine transport vessels or vehicles travelling on the AWAR and WTHR have insurance. Agnico Eagle is looking into a claim for Arctic Fuel Services regarding a fuel spill on the AWAR in 2022. No marine shipping claims occurred in 2022.
Fish and fish-habitat				
46. Freshwater intake pipe requirements and design.	n/a	Active In Compliance	Active In Compliance	The NIRB notes that this T&C was not mentioned in Agnico Eagle's 2022 Annual Report, however the NIRB understands that information from previous years has not changed. Note: the NIRB looks forward to receiving information in Agnico Eagle's 2023 Annual Report and in future annual reports as the Proponent should be reporting on all Terms and Conditions in monitoring.
47. Water flow from Third Portage Lake, including consideration of alternatives.	n/a	Active In Compliance	Active In Compliance	The NIRB notes that this T&C was not mentioned in Agnico Eagle's 2022 Annual Report, however the NIRB understands that effluent discharge to Wally Lake and Third Portage Lake have ceased. Note: the NIRB looks forward to receiving information in Agnico Eagle's 2023 Annual report and in future annual

<u>Term & Condition</u>	<u>Reporting Requirements</u>	<u>Compliance Achievement 2021</u>	<u>Compliance Achievement 2022</u>	<u>NIRB Comment</u>
				reports as the Proponent should be reporting on all terms and conditions in monitoring.
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.
49. (Revised) Fish-out programs for the dewatering of Second Portage Lake, Third Portage Lake, Vault Lake and Phaser Lake.	Results provided annually to NIRB.	No Longer Active Completed	No Longer Active Completed	Fish-out programs completed and reported 2008-2016. No fish out programs were conducted in 2022.
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 License.
51. Creel surveys within waterbodies affected by the Project and in consultation with the HTO.	n/a	Active In Compliance	Active In Compliance	Section 10 of the 2022 Wildlife Summary Monitoring Report found in Appendix 47 of Agnico Eagle's 2022 Annual Report discusses the results of the survey. Participants were interviewed 3 times in the year to ensure that all harvest data were recorded and to collect incidental information. Features of the 2022 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 2022.
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	Under the Habitat Compensation Monitoring Plan, Version 4, February 2017, a monitoring report is required every 2 years. Monitoring last occurred in 2021 and the 2021 Habitat Compensation Monitoring Report was provided in Appendix 45 of Agnico Eagle's 2021 Annual Report. Biological monitoring was not required in 2022 and the NIRB looks forward to viewing the 2023 report in accordance with Agnico Eagle's commitment to monitor every 2 years.
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: Baseline data included in the 2022 Wildlife Monitoring Summary Report in Appendix 47 of Agnico Eagle's 2022 Annual Report. b, c, d: Terrestrial Ecosystem Management Plan, Version 7 submitted with 2019 Annual Report and in the 2020 Annual Report Agnico Eagle confirmed that this was the version in effect in 2021 and would be until the next version is released.

<u>Term & Condition</u>	<u>Reporting Requirements</u>	<u>Compliance Achievement 2021</u>	<u>Compliance Achievement 2022</u>	<u>NIRB Comment</u>
				The NIRB is anticipating the updated version of the TEMP (Version 8) by the end of 2023.
<u>54e</u>		Active In Compliance	Active In Compliance	<u>54e:</u> Hunter Harvest Study had 59 participants in 2022, an increase from the 55 participants in 2021.
<u>54f</u>		No Longer Active Completed	Active In Compliance	<u>54f:</u> 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. Results of 2022 surveys conducted at the Whale Tail site by Trent University, ECCC, and Agnico Eagle will be published as a Trent University Master's Thesis and will be included in Agnico Eagle's 2023 Annual Report.
<u>54g</u>		No Longer Active Completed	Active In Compliance	<u>54g:</u> In 2022 Agnico Eagle finalized a collaboration agreement with ECCC, which includes a commitment to conduct 48 PRISM plots over 10 years (2021-2031) and to complete Breeding Bird Surveys (BBS) along the AWAR and WTHR every three (3) years at minimum. In 2022, two (2) BSS routes of 50 stations each and four (4) PRISM plots were surveyed at Meadowbank. Agnico Eagle's intent for 2023 is to survey both BSS routes again as well as 12 additional PRISM plots. The NIRB looks forward to hearing about the completion of these targets in Agnico Eagle's 2023 Annual Report.
<u>54h</u>		Active In Compliance	Active In Compliance	<u>54h:</u> Discussed in the 2022 Wildlife Monitoring Summary Report submitted as Appendix 47 of Agnico Eagle's 2022 Annual Report.
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.	Active In Compliance	Active In Compliance	2022 Wildlife Monitoring Summary Report included in Appendix 47 of Agnico Eagle's 2022 Annual Report includes monitoring results.
56. Protection of caribou migration paths, including maps developed in consultation with Elders, HTOs.	Report information on caribou migration corridors annually.	Active Deficient - in progress	Active Deficient - in progress	2021 and 2022 caribou telemetry data was not available for inclusion in the 2022 Annual Report. Last update to migration corridors was provided in the 2014 Annual Report. Agnico Eagle signed a data sharing agreement with the GN-DoE on March 3, 2023. Therefore, the NIRB looks forward to seeing this information reflected in Agnico Eagle's 2023 Annual Report.

<u>Term & Condition</u>	<u>Reporting Requirements</u>	<u>Compliance Achievement 2021</u>	<u>Compliance Achievement 2022</u>	<u>NIRB Comment</u>
				Note: during the 2023 site visit the NIRB noted that the Caribou migration maps were missing and Agnico Eagle noted the issue and stated their intent to replace them.
57. Participate in the caribou collaring program as directed by GN-DoE.	n/a	Active Deficient -in progress	Active In Compliance	Agnico Eagle signed a data sharing agreement with GN-DoE on March 3, 2023. The NIRB looks forward to observing Agnico Eagle's use of this data to assist them in complying with Condition 56.
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	The NIRB viewed the lighting during the 2023 Site Visit. Agnico Eagle staff met with the Baker Lake HTO in 2021 to discuss this issue.
59. Deterrence of caribou at the tailings facility.	n/a	Active Deficient - in progress	Active Deficient - in progress	During the 2023 Site Visit, NIRB staff noted that there were no wildlife deterrents installed at the Tailings Storage Facility. Agnico Eagle staff stated that this area is not frequently visited by caribou and therefore wildlife deterrent measures are best focused on other areas of the site. The NIRB looks forward to further discussions from Agnico Eagle in future reports.
60. Stop work policy when wildlife in the area that may be endangered by work.	n/a	Active In Compliance	Active Deficient – In Progress	See Whale Tail Pit Project Certificate No. 008, Term and Conditions 27, 28, and 30 for more information. Information included in Appendix 47 of Agnico Eagle's 2022 <i>Annual Report</i> . Road closures were reported in 2022 Wildlife Monitoring Summary Report. For caribou, road closures are related to TEMP caribou decision tree. The NIRB's 2022 Board Recommendation #4 requested an update on the final version of the TEMP (version 8) and Agnico Eagle noted that competing priorities prevented them from completing this in 2022. Agnico Eagle intends to complete the TEMP by the end of 2023. In their written comments on Agnico Eagle's 2022 <i>Annual Report</i> , the GN noted that 2022 was the fourth consecutive year that Agnico Eagle has failed to implement the road closure provisions on the WTHR and Meadowbank AWAR for caribou migration specified in Version 7 of the TEMP. The Baker Lake HTO also raised concerns about compliance with this commitment in their written comments. Note: May 26, 2023, CIRNAC issued a Designated Person's Order to Agnico Eagle regarding road management for

<u>Term & Condition</u>	<u>Reporting Requirements</u>	<u>Compliance Achievement 2021</u>	<u>Compliance Achievement 2022</u>	<u>NIRB Comment</u>
				<p>caribou and several other topics. September 9, 2023, CIRNAC followed up on the order and after speaking to Agnico Eagle and other partners it withdrew some items and provided direction for items such as caribou and road management that it would be following up on.</p> <p>The NIRB is looking forward to revisiting this T&C in 2024 after reviewing the updated TEMP and comments from parties on Agnico Eagle's 2023 Annual Report.</p>
<p>61. Aircraft flight altitudes and corridors to avoid wildlife incorporated into TEMP and Air Traffic Management Plan.</p> <p>Read with term and condition 62F.</p>	n/a	Active Deficient - in progress	Active Deficient- in Progress	<p>Partially incorporated into TEMP, Version 7 (June 2019); and Noise Monitoring and Abatement Plan, Version 4 (December 2018). It is not clear if/how flight corridors have been established and implemented.</p> <p>In order to re-evaluate the compliance of this Condition, the NIRB will need an updated version of the TEMP as requested in the NIRB's 2021-2022 Monitoring Report. Agnico Eagle intends to complete the TEMP by the end of 2023.</p> <p>Note: May 26, 2023, CIRNAC issued a Designated Person's Order to Agnico Eagle regarding helicopter data and several other topics. September 9, 2023, CIRNAC followed up on the order and after speaking to Agnico Eagle and other partners it withdrew some items and provided direction for items. The NIRB is looking forward to revisiting this T&C in 2024 after reviewing the updated TEMP and comments from parties on Agnico Eagle's 2023 Annual Report.</p>
<p>62. Develop and implement a noise monitoring and abatement plan to protect people and wildlife from significant mine activity noise.</p> <p>Read together with term and condition 61.</p>	Annually, demonstrate how direction communicated to pilot.	Active Deficient - in progress	Active Deficient- in Progress	<p>Discussed in the Noise Monitoring and Abatement Plan, Version 4 (December 2018) and in the 2022 Noise Monitoring Report in Appendix 49 of Agnico Eagle's 2022 Annual Report.</p> <p>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.</p> <p>Health Canada notes that noise monitoring sites should be implemented in the vicinity of employee camps to ensure safe noise levels while employees are off duty.</p> <p>In order to re-evaluate this Term and Condition, the NIRB will need an updated version of the TEMP as requested in the</p>

<u>Term & Condition</u>	<u>Reporting Requirements</u>	<u>Compliance Achievement 2021</u>	<u>Compliance Achievement 2022</u>	<u>NIRB Comment</u>
				NIRB's 2021-2022 Monitoring Report. Agnico Eagle intends to complete the TEMP by the end of 2023.
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	<p>See Project Certificate 004 Term and Condition 68 and Project Certificate 008 Terms and Conditions 44 and 54 for further information.</p> <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). In 2020 KIA joined the group and Agnico Eagle presented to the group the 2021 update (Appendix 62).</p> <p>In 2022, Agnico Eagle updated the program with new indicators for Cultural and Traditional Lifestyle and Individual and Community Wellness</p> <p>The 2022 Agnico Eagle Kivalliq Projects Socio-Economic Monitoring Report can be found in Appendix 4 of Agnico Eagle's <i>2022 Annual Report</i>.</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). Updated Terms of Reference for Kivalliq Socio-Economic Working Group submitted to the NIRB March 2019.</p> <p>In 2022, Agnico Eagle updated the program with new indicators for Cultural and Traditional Lifestyle and Individual and Community Wellness.</p> <p>The 2022 Agnico Eagle Kivalliq Projects Socio-Economic Monitoring Report can be found in Appendix 4 of Agnico Eagle's <i>2022 Annual Report</i>. The NIRB looks forward to receiving comments from Parties on the socio-economic monitoring program during the 2024 monitoring year.</p>
65. Information on community of origin of hired Nunavummiut.	Annually	Active In Compliance	Active In Compliance	Reported in the 2022 Agnico Eagle Kivalliq Projects Socio-Economic Monitoring Report in Appendix 4 of Agnico Eagle's <i>2022 Annual Report</i> .
Human Health				

<u>Term & Condition</u>	<u>Reporting Requirements</u>	<u>Compliance Achievement 2021</u>	<u>Compliance Achievement 2022</u>	<u>NIRB Comment</u>
66. Establish a nursing station and hire a registered on-site nurse.	n/a	Active In Compliance	Active In Compliance	Temporary nursing station established in 2008 and a permanent station was established in 2011 and was viewed during the site visit.
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>Monitoring is scheduled to be completed every three (3) years, and was scheduled for 2020; however, due to COVID-19 restrictions the analysis was delayed. The Wildlife Screening Level Risk Assessment (WSLRA) was instead completed in 2021 and provided as Appendix 46 of Agnico Eagle's <i>2021 Annual Report</i>. Version 8 of the WSLRA/Human Health Risk Assessment (HHRA) Plan (January 2023) is included as Appendix 48 of Agnico Eagle's <i>2022 Annual Report</i>.</p> <p>Recent assessments included a specific focus on shorebirds making use of the TSF as habitat. The risk estimate for arsenic marginally exceeded the threshold for negligible risk, therefore follow-up testing will occur in 2023. The NIRB looks forward to viewing the results of this testing in Agnico Eagle's <i>2023 Annual Report</i>.</p> <p>Health Canada provided a suggestion in response to Agnico Eagle's <i>2022 Annual Report</i> to include fish and berries in country food analyses, as they are currently not analyzed.</p>
68. Demonstrate incorporation of Inuit societal values into mine operation policies.	n/a	Active Deficient - in progress	Active Deficient - in progress	<p>Refer to Project Certificate 004 Term and Condition 63 and Project Certificate 008 Terms and Conditions 44 and 54 for further information.</p> <p>Agnico Eagle continues to make efforts to comply with this T&C, however parties and community members continue to have concerns with compliance. The NIRB recognizes positive improvements over the past few monitoring years, including the formation of the Kivalliq Elders Advisory Committee, the formation of the Community Liaison Committee, and the creation of the Sanajiksanut employment program.</p> <p>Agnico Eagle reported 4 meetings and 3 consultations with the Baker Lake and Chesterfield Inlet HTOs in 2022 in order to discuss project activities and provided an explanation of their methodology for incorporating Inuit Societal Values into their reporting.</p>

<u>Term & Condition</u>	<u>Reporting Requirements</u>	<u>Compliance Achievement 2021</u>	<u>Compliance Achievement 2022</u>	<u>NIRB Comment</u>
				Despite the efforts, affected community members in Baker Lake and Chesterfield Inlet continue to raise concerns about lack of opportunities to share knowledge and lack of accessible information and follow-up regarding the use of Inuit Qaujimajatuqangit in monitoring and management plans. Due to these concerns, more work must be done by Agnico Eagle to address this T&C.
69. Conduct proper archaeological surveys with reporting provided to the GN.	n/a	Active In Compliance	Active In Compliance	In 2022 Archaeological Impact Assessments were completed at several sites; two (2) sites along the AWARD, three (3) sites of new/expanded quarries along the WTHR, and the revisitation of previously-assessed site along the AWARD. Four (4) archaeological sites were found and investigated: two (2) campsites and two (2) inuksuks. The studies were completed by Nunami Stantec and submitted to the GN-CH. Agnico Eagle notes that any inquiries should be directed to the GN-CH as the information is confidential and not able to be shared in Agnico Eagle's 2022 <i>Annual Report</i> .
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	Active In Compliance	Archaeological sites discovered in 2022 were reported to GN-CH.
Air Quality				
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 2022 Air Quality and Dust Monitoring Program conducted by Agnico Eagle were provided in Appendix 50 of the 2022 <i>Annual Report</i> Air Quality and Dustfall Monitoring Plan (March 2022), Version 6, submitted with Agnico Eagle's 2021 <i>Annual Report</i> .
72. On-site incinerators to comply with standards. Stack testing annually.	Annually	Active Deficient - in progress	Active In Compliance	Agnico Eagle's incinerator stack testing in 2021 and 2022 produced test results that exceeded the regulatory limits for dioxins and furans. An investigation of this issue indicated that sub-optimal stack gas temperatures were likely causing this issue. Agnico Eagle noted in November 2022 that incinerator use had ceased. During the 2023 Site Visit, NIRB staff observed that the incinerator had been removed from site. Agnico Eagle intends to use their onsite composter to process any appropriate waste that would have been previously incinerated and ship the remainder of their waste offsite. The

<u>Term & Condition</u>	<u>Reporting Requirements</u>	<u>Compliance Achievement 2021</u>	<u>Compliance Achievement 2022</u>	<u>NIRB Comment</u>
				NIRB looks forward to results of the program in future annual reports.
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	Section 4 of the Greenhouse Gas Reduction Plan (Version 3, April 2020) details greenhouse gas emissions reduction initiatives. 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	<p>Agnico Eagle reports that dust mitigation in 2022 was carried out in accordance with the Air Quality and Dustfall Monitoring Plan (Version 6, March 2022).</p> <p>During the 2023 Site Visit, NIRB staff confirmed that noted that Tetraflake (CaCl₂) dust suppressant was applied to the five (5) key areas along the Awar outlined in the Plan, as well as an additional section of the road closer to the mine site. NIRB staff also observed dust suppressant on the roads at the Baker Lake facilities. Agnico Eagle stated in a September 2023 memo that they had applied chemical dust suppressant on kilometers 0-20 of the Awar. The NIRB appreciates this effort to mitigate dust on the section of the road closest to the community of Baker Lake and increase the overall surface area treated with dust suppressant.</p> <p>Based on community concerns in relation to dust along the Awar, the NIRB requested that Agnico Eagle discuss with both Baker Lake HTO and the community to assess the effectiveness of the dust control along the road and the potential need for additional dust control locations. Agnico Eagle met with the Baker Lake-HTO early in 2022 to discuss the formation of the Baker Lake Dust Advisory Group (BLDAG), however the status of this group is unclear. Agnico Eagle notes that they had planned a dust monitoring information session in 2022, but the session was cancelled.</p> <p>The NIRB looks forward to further information in the 2023 Annual Report.</p>
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 Deficient - In Progress	Active Deficient - In Progress	Accidents, malfunctions and spills were listed within Agnico Eagle's 2022 Annual Report and the following reports were referenced:

<u>Term & Condition</u>	<u>Reporting Requirements</u>	<u>Compliance Achievement 2021</u>	<u>Compliance Achievement 2022</u>	<u>NIRB Comment</u>
				<ul style="list-style-type: none"> • Hazardous Materials Management Plan, Version 7, March 2022 (Appendix 55 of the 2021 Annual Report); • Spill Contingency Plan, Version 16, March 2023 (Appendix 27); • Emergency Response Plan, Version 17, October 2021 (Appendix 31 of the 2021 Annual Report); • Oil Pollution Emergency Plan and Oil Pollution Prevention, Version 15, March 2023 (Appendix 32); • Meadowbank OMS Manual for Tailings Management, Version 11, December 2022 (Appendix 36); • Meadowbank OMS Manual for the dewatering dikes, Version 10; December 2022 (Appendix 35); • Whale Tail OMS Manual for Water Management Infrastructure, Version 3, December 2022 (Appendix 37) <p>Agnico Eagle noted in their <i>2022 Annual Report</i> that no public engagement outside the NIRB or NWB process was undertaken to produce the original plans or the updated versions presented in the list above. Agnico Eagle does not note any other meetings taking place with Elders and community members on the subject of accidents and malfunctions.</p> <p>The NIRB requests that Agnico Eagle discuss modifications to monitoring and management plans with community members and requests that Agnico Eagle clearly communicate how this information is incorporated into the plans. This topic is covered in the NIRB's 2023 Board Recommendations and the Board looks forward to Agnico Eagle's reply.</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	<p>The NIRB notes that this T&C is not addressed in Agnico Eagle's <i>2022 Annual Report</i>. Related information can be found in the programs listed below. The NIRB reminds the Proponent to address all Terms and Conditions in the annual report in order to make the report accessible and transparent.</p> <p>Aquatic Effects Management Program (AEMP). Version 5 (April 2022); and Core Receiving Environment Monitoring Program (CREMP), (2022).</p>

Term & Condition	Reporting Requirements	Compliance Achievement 2021	Compliance Achievement 2022	NIRB Comment
77. Review Emergency Response Plan in coordination with Hamlets of Baker Lake and Chesterfield Inlet.	n/a	Active In Compliance	Active In Compliance	T&C not addressed in Agnico Eagle's 2022 <i>Annual Report</i> . This T&C is covered under the PEAMP for the Meadowbank Project Certificate No. 004. Note: the NIRB looks forward to receiving information in Agnico Eagle's 2023 Annual report and in future annual reports as the Proponent should be reporting on all terms and conditions in monitoring.
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	No new progressive reclamation activities were completed in 2022. Current progressive reclamation plan found in Meadowbank Interim Closure and Reclamation Plan – Update 2019 (V.01, Appendix 55 of the 2019 <i>Annual Report</i>). The NIRB reminds Agnico Eagle that this plan should be made publicly available on Agnico Eagle's website.
Other				
81. 24-hour security at the Baker Lake Facility.	n/a	Active In Compliance	Active In Compliance	Viewed during NIRB's 2023 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 in Agnico Eagle's 2022 <i>Annual Report</i> . No spills were or accidents were observed during the ingress/egress of ship cargo in 2022.
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 2022 monitoring period: 36, 40, 41, 56, 59, 60, 61, 62, 68, 74, 75, 86.

<u>Term & Condition</u>	<u>Reporting Requirements</u>	<u>Compliance Achievement 2021</u>	<u>Compliance Achievement 2022</u>	<u>NIRB Comment</u>
Monitoring/Water Quality and Waste Management				
87. (New for in-pit tailings disposal modification) 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	Agnico Eagle's 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). Groundwater Management Plan (Version 11, March 2020 – Appendix 60 of Agnico Eagle's 2019 Annual Report.

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

<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	Maintained by NIRB in 2022/2023.
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 2022; Translations of the 2022/2023 report will be 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 31, 2023.
4. NIRB to schedule periodic site inspections.	n/a	Active In Compliance	Active In Compliance	Completed by NIRB on July 29-30, 2023.
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 section 11.6.2 of the <i>2022 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	Meadowbank and Whale Tail QA/QC Plan, Version 8 was provided as Appendix 8 of Agnico Eagle's <i>2022 Annual Report</i> .
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>2022 Annual Report</i> in both French and Inuktitut.
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 Environmental Impact Statement and the updated environmental monitoring programs developed for the Project as new information is collected.	Updated as indicated by new baseline data or monitoring results.	Active In Compliance	Active In Compliance	

<u>Term & Condition</u>	<u>Reporting Requirements</u>	<u>Compliance Achievement 2021</u>	<u>Compliance Achievement 2022</u>	<u>NIRB Comment</u>
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. General information related to both Projects is available on the Agnico Eagle websites. Facebook page active since 2018. In 2023 Agnico Eagle posted their annual reports from 2016-2022 on their public website. The NIRB informed Agnico Eagle that other non-confidential documents, such as current versions of management plans, are also required to be made public in order to fulfill this term and condition.
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	Agnico Eagle cites Appendix 5 of their <i>2022 Annual Report</i> in response to T&Cs related to consultation and public engagement. While there were several public meetings held by Agnico Eagle throughout the year, detailed information on the content of the meetings and questions/feedback received in relation to criteria in this T&C are not shared by Agnico Eagle, making it difficult to assess compliance.
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				
<p>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.</p> <p>Revision: Undertake continuous NO₂ monitoring downwind of mining activities and comparison to CAAQS.</p>	Annually	Active In Compliance	Active In Compliance	<p>The monitoring program was conducted according to the Air Quality and Dust fall Monitoring Plan, Version 6, March 2022 was submitted as Appendix 51 of Agnico Eagle's <i>2021 Annual Report</i>, results were included in Appendix 50 of the <i>2022 Annual Report</i>.</p> <p>Agnico Eagle noted that the NO₂ monitoring instrument was only active from January-July 2022 due to issues with power outages causing mechanical failures in the equipment. However, NIRB staff observed that this issue was resolved as of July 2023 due to the installation of new failsafe measures in the equipment. The NIRB looks forward to updates on the success of these measures in Agnico Eagle's <i>2023 Annual Report</i>.</p>
<p>2. Mitigation dust impacts on project roads. Includes dust suppression on all project roads.</p>	Annually	Active Non-compliance	Active Deficient – In Progress	<p>NIRB staff observed that Dust Suppressant was applied along the entire length of the WTHR, Baker Lake Marshalling Facility, Mine sites, and six (6) sections of the AWAR. Agnico Eagle staff verbally stated that the AWAR receives watering as a dust suppression method, however the frequency of road watering stated in Agnico Eagle's <i>2022 Annual Report</i> was listed as "weekly" and the AWAR was not explicitly listed. Weekly road watering cannot be considered fully compliant due to the speed of evaporation. NIRB staff were not able to observe watering occurring on the AWAR while onsite in 2023.</p> <p>In Table 8-85 of Agnico Eagle's <i>2022 Annual Report</i>, Action Item 5 states that Agnico Eagle will discuss the use of supplemental dust suppressant along key sections of the AWAR with the HTO. The NIRB acknowledges and appreciates this action item. This item is listed as "Outstanding" and is not yet assigned a due date.</p> <p>Most FEIS Addendum model predictions for total dustfall on the WTHR were met in 2022, with the exception of two locations where predictions were exceeded. Two (2) dust collection transects are present on the AWAR and three (3) are present on the WTHR, along with multiple stations onsite.</p>
Climate and Meteorology				

<u>Term & Condition</u>	<u>Reporting Requirements</u>	<u>Compliance Achievement 2021</u>	<u>Compliance Achievement 2022</u>	<u>NIRB Comment</u>
3. Greenhouse Gas (GHG) Reduction Plan.	Monitoring results reported annually.	Active In Compliance	Active In Compliance	Greenhouse Gas Reduction Plan, Version 3, March 2020. Preliminary results summary of the 2022 monitoring program is presented in the <i>2022 Annual Report</i> with final results to be included in the <i>2023 Annual Report</i> . Values are consistent with the GHG Reduction Plan (April 2020).
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	Monitoring was completed in accordance with the Noise Monitoring and Abatement Plan, Version 4 (December 2018). Results are shown in the 2022 Noise Monitoring Report, included as Appendix 49 of Agnico Eagle's <i>2022 Monitoring Report</i> . Agnico Eagle usually aims to conduct two (2) monitoring events per year but were limited to one (1) in 2022 due to mechanical issues with monitoring equipment.
Terrestrial Environment (Geology and Geochemistry)				
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	Whale Tail Mine – Waste Rock Management Plan Version 10 was submitted as Appendix 23 of Agnico Eagle's <i>2022 Annual Report</i> .
8. Acid Rock Drainage and Metal Leaching Management Plan.	Updates/revisions submitted annually or as otherwise required.	Active In Compliance	Active In Compliance	An update to the revised (January 22, 2021) Operational ARD-ML Sampling and Testing Plan (Appendix 21 available within <i>2020 Annual Report</i>) is provided in Appendix 31 of Agnico Eagle's <i>2022 Annual Report</i> ; Thermal Monitoring Plan, (Appendix 25 of the <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 <i>2018 Annual Report</i>) for all investigations completed up to 2018. Geotechnical Investigations occurred between 2019-2020 within projected IVR D-1 Dike, identifying no sensitive land

<u>Term & Condition</u>	<u>Reporting Requirements</u>	<u>Compliance Achievement 2021</u>	<u>Compliance Achievement 2022</u>	<u>NIRB Comment</u>
				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	The Whale Tail Thermal Monitoring Thermal Monitoring Report included as Appendix 25 of Agnico Eagle's 2022 Annual Report identifies and summarizes results obtained from the thermal monitoring program from 2016-2022. 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).
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	Whale Tail Pit Interim Closure and Reclamation Plan was submitted to NWB in July 2020 and provided to NIRB in Appendix 51 of the 2020 Annual Report. The NIRB notes that Appendix 5 of Agnico Eagle's 2022 Annual Report does not reference a public meeting held in the Hamlet of Baker Lake in 2022 regarding closure, and this was the top concern of community members during the NIRB's 2023 Community Information Session.
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	2020-2022 Annual Reports: As per the 2019 Whale Tail Interim Closure and Reclamation Plan (ICRP), "active revegetation has not been planned at this time as part of the reclamation plan given the cold climate setting of the Project." Agnico Eagle states that a similar study was undertaken at Meliadine Gold Mine and the results of the study are being shared with Meadowbank and Whale Tail. No work was done on the study in 2022. Agnico Eagle notes that additional revegetation assessments are being completed at Meadowbank and details will be included in the Final Closure and Reclamation Plan.
Hydrogeology and Groundwater Quantity and Quality				
14. Thermal Monitoring Plan.	Annually as applicable.	Active In Compliance	Active In Compliance	The 2022 Thermal Monitoring Report is included as Appendix 25 of Agnico Eagle's 2022 Annual Report, as per the Whale Tail Thermal Monitoring Plan, Version 4 (Appendix 39 of Agnico Eagle's 2021 Annual Report). It identifies and summarizes results obtained from the thermal monitoring program from 2016-2022.

<u>Term & Condition</u>	<u>Reporting Requirements</u>	<u>Compliance Achievement 2021</u>	<u>Compliance Achievement 2022</u>	<u>NIRB Comment</u>
15. Groundwater Monitoring Plan.	Annually	Active Deficient - In Progress	Active In Compliance	The 2022 Groundwater Monitoring Report is included as Appendix 43 of Agnico Eagle's 2022 Annual Report.
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 2022 Groundwater Management Monitoring Report within 2022 Annual Report (Appendix 43) contains all required information.
Surface Water Hydrology, Surface Water Quality and Sediment Quality				
17. Monitor surface water quality.	Annually	Active In Compliance	Active In Compliance	Requirements met by the updated CREMP. The updated and NWB-approved CREMP is included as Appendix 34 of Agnico Eagle's 2022 Annual Report. 2022 CREMP findings are found in Appendix 33 of the 2022 Annual Report.
18. Site Water Monitoring and Management Plan.	Annually	Active In Compliance	Active In-Compliance	Requirements met within the Meadowbank and Whale Tail Water Quality and Flow Monitoring Plan and AEMP, as approved by the NWB.
19. Core Receiving Environment Monitoring Program (CREMP).	Annually	Active In Compliance	Active In Compliance	The updated and NWB-approved CREMP is included as Appendix 34 of Agnico Eagle's 2022 Annual Report. 2022 CREMP findings are found in Appendix 33 of the 2022 Annual Report.
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	DFO previously raised concerns about damaged and obstructed culverts, but compliance remains unchanged from the previous monitoring year as DFO did not complete compliance inspections in 2022. DFO provided recommendations to the Proponent in their comments on Agnico Eagle's 2022 Annual Report.
22. Blast Monitoring Program.	Annually	Active In Compliance	Active In Compliance	The updated Blast Monitoring Program (Version 8) is included as Appendix 40 of Agnico Eagle's 2022 Annual Report. The 2022 results of this program are included in Appendix 41 of the 2022 Annual Report. Program updates were made to reflect the monitoring locations onsite.

<u>Term & Condition</u>	<u>Reporting Requirements</u>	<u>Compliance Achievement 2021</u>	<u>Compliance Achievement 2022</u>	<u>NIRB Comment</u>
23. Mammoth Lake monitoring of trophic status and/or change.	Annually and 30 days prior to closure.	Active Deficient – In Progress	Active In Compliance	Proponent filed an updated Fish Habitat Offsets Monitoring Plan for the Whale Tail Site (Version 2) 28 July 2021. In process of gathering data. Agnico Eagle continues to follow their approved plan and is collecting data according to their Mammoth Lake monitoring program.
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	The Fish Habitat Offsetting Plan was included as Appendix 51 of Agnico Eagle's <i>2018 Annual Report</i> . Agnico Eagle is working with DFO to develop a plan for monitoring to validate the Habitat Suitability Index (HSI) of different offsetting plans.
Vegetation				
25. Prevention of invasive species.	Annually	Active In Compliance	Active In Compliance	Non-native plant monitoring studies completed from 2019 to 2022 with plans to perform these surveys annually as per version 7 of the TEMP. Results are provided in Appendix 47 of Agnico Eagle's <i>2022 Annual Report</i> . A protocol is being continuously implemented to ensure that equipment arrives at the site free from soil and plant debris. Invasive species surveys are also performed on shipping vessels by the shipping carrier.
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	Agnico Eagle states that active revegetation is not planned for the Whale Tail site due to the cold climate setting of the mine. Agnico Eagle notes that similar terms and conditions appear on the Meliadine Gold Mine Project Certificate, and a study was conducted between 2018-2021 to address them. This information, along with ongoing assessments at the Meadowbank site, will be shared with the Whale Tail Site and implemented into the Final Closure and Reclamation Plan for the Meadowbank Complex.
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)	Active In Compliance	Active In Compliance	Finalized Terms of Reference submitted November 1, 2018. Summary of outcomes provided in <i>2021 Annual Report</i> .

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	months of issuance of the Project Certificate. A summary of outcomes from Terrestrial Advisory Group meetings to be provided to NIRB in Annual Report.			Meetings hosted throughout 2022 to discuss wildlife issues and opportunities for improvement. Discussions included topics such as caribou protection measures and group size thresholds, road flags, and snow study. The TAG came away with 13 action items in 2022, which can be found in Table 8-85 of Agnico Eagle's 2022 Annual Report.
28. Terrestrial Ecosystem Management Plan (TEMP).	Updates/revisions provided as appropriate. Results reported annually.	Active Deficient – in progress	Active Deficient – in progress	A draft version of the TEMP, Version 8 was submitted April 22, 2020. The NIRB's 2022 Board Recommendation #4 requested an update on the release of this updated version. Agnico Eagle intends to complete the updated TEMP by the end of 2023.
29. Collaborate with GN to collect collar data and quantify effects of project components on caribou movement.	Annually	Active Deficient	Active In Compliance	2021 and 2022 caribou telemetry data was not available for inclusion in the 2022 Annual Report. Last update to migration corridors was provided in the 2014 Annual Report. Agnico Eagle signed a data sharing agreement with the GN-DoE on March 3, 2023. Therefore, the NIRB looks forward to seeing this information reflected in Agnico Eagle's 2023 Annual Report.
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 states that the GST methodology used in 2023 resulted from discussion at a TAG meeting in 2021 where the current methodology was agreed upon by members. Agnico Eagle notes that the GST calculation method used was originally proposed by the GN. In their written comments on Agnico Eagle's 2022 Annual Report, the GN noted that 2022 was the fourth consecutive year that Agnico Eagle has failed to implement the road closure provisions on the WTHR and Meadowbank AWAR for caribou migration specified in Version 7 of the TEMP. The Baker Lake HTO also raised concerns about compliance with this commitment in their written comments. Note: May 26, 2023, CIRNAC issued a Designated Person's Order to Agnico Eagle regarding road management for caribou and several other topics. September 9, 2023, CIRNAC followed up on the order and after speaking to Agnico Eagle and other partners it withdrew some items and provided direction for items such as caribou and road management that it would be following up on.

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				The NIRB is looking forward to revisiting this T&C in 2024 after reviewing the updated TEMP and comments from parties on Agnico Eagle's 2023 Annual Report.
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 in the body of Agnico Eagle's 2022 Annual Report.; no exceedances of FEIS predictions were noted in 2022.
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. TAG members visited the site in November 2022, where road flags were identified as point of concern. Agnico Eagle notes that further discussion is needed. If the WTHR is required to be expanded, a construction plan will be submitted to the TAG and the NIRB.
33. Wildlife incident reports.	Annually	Active In Compliance	Active In Compliance	Results are reported in the 2022 Wildlife Summary Report included as appendix 47 of Agnico Eagle's 2022 Annual Report. Agnico Eagle reports that there were no project-related caribou, grizzly bear, or wolf mortalities in 2022. The KivIA was issued compensation for a wolverine mortality in 2022. A number of project-related Arctic fox and Arctic hare mortalities also occurred.
Birds and Bird Habitat				
34. Migratory Birds Protection Plan.	Annually	Active In Compliance	Active In Compliance	The Migratory Bird Protection Plan, Version 3, March 2020 was included as Appendix 64 of Agnico Eagle's 2019 Annual Report. The 2022 Migratory Bird Protection Update is included in the 2022 Wildlife Summary Monitoring Report in Appendix 47 of Agnico Eagle's 2022 Annual Report. The studies initiated in 2018 in collaboration with ECCC and Trent University continued to be analyzed in 2022. The thesis manuscript for this work is expected to be submitted in 2023 and the NIRB is looking forward to seeing information included in Agnico Eagle's 2023 Annual Report.
35. Species at Risk - monitoring and mitigation strategies.	Annually	Active Deficient-In Progress	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

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				revision of the TEMP. The NIRB looks forward to seeing information related to this topic in the Version 8 of the TEMP.
36. Consult with the GN-DoE prior to removal/deterrence of raptors.	Annually	Active In Compliance	Active In Compliance	No removal of raptor nests occurred in 2022. During the 2023 site visit, Agnico Eagle staff identified the areas previously used by raptors for nesting and noted that none of these areas experienced nesting in 2023. NIRB staff did not observe any raptors or nests while onsite in 2023.
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 continued to follow their Shipping Management Plan, Version 4 (April 2022), included as Appendix 56 of their <i>2021 Annual Report</i> .
38. Ship routing to avoid sensitive wildlife habitat.	Annually	Active In Compliance	Active In Compliance	Information can be found in the 2022 Marine Mammal and Seabird Annual Report, included as Appendix 39 of Agnico Eagle's <i>2022 Annual Report</i> . In 2022, 24 vessels (89%) servicing Meadowbank and Meliadine sites travelled south of Coats Island as per the T&C. The remaining 3 vessels (11%) travelled north of Coats Island due to inclement weather conditions.
39. Ship transit setback distance from colonies and aggregations of seabirds and marine mammals.	Annually	Active In Compliance	Active In Compliance	Agnico Eagle's <i>2022 Annual Report</i> confirms mitigation requirements are being followed. Agnico Eagle noted some difficulties with ship tracking when evaluating ship presence within setback polygons and intends to increase the accuracy of their tracking data in 2023. Updated training was provided to the marine mammal observers, resulting in a greater survey effort compared to 2021 and previous years.
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 In Compliance	Marine Mammal Management and Monitoring Plan, Version 4 (April 2022) was submitted as Appendix 56 of Agnico Eagle's <i>2021 Annual Report</i> . The 2022 Marine Mammal and Seabird Observer Report was submitted in Appendix 39 of the <i>2022 Annual Report</i> and includes details on the monitoring program. No marine mammal vessel strikes or interactions with seabirds were recorded in 2022. Discussion regarding the status of the Local Area Marine Mammal Monitoring Program can be found under Project Certificate 004 TC 36 and in Agnico Eagle's memo to the NIRB dated September 29, 2023.
41. Notify communities of scheduled ship transits.	Summary of public consultation annually.	Active In Compliance	Active In Compliance	Engagement sessions were held with Chesterfield Inlet (in-person) and Baker Lake (teleconference) to discuss the sealift schedule and answer questions. Information on these

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				meetings included in Appendix 5 of Agnico Eagle's 2022 <i>Annual Report</i> .
42. Feedback opportunities for impacts of project-related shipping.	Summary of public consultation annually.	Active Deficient-In Progress	Active Deficient-In Progress	Appendix 5 of Agnico Eagle's 2022 <i>Annual Report</i> summarizes the engagement activities that occurred in 2022. While several activities and meetings took place in Chesterfield Inlet in 2022, it is not made clear in the 2022 <i>Annual Report</i> what specific feedback and/or knowledge was collected in regards to shipping and how this will be explicitly incorporated into mitigation and management plans as per the T&C. Feedback from Chesterfield Inlet community members at the Meliadine Extension Public Hearing in September 2023 indicated that community members have information they wish to share related to shipping.
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	Only certified vessels were hired for the Meadowbank site. The annual meeting was held to review the shipping and emergency plans with the carriers. Agnico Eagle did not observe any shipping-related spills in 2022.
Economic Development and Business Opportunities				
44. Participate in the Kivalliq Socio-Economic Monitoring Committee.	Annually	Active In Compliance	Active In Compliance	Refer to Project Certificate 004 Terms and Conditions 63 and 68 and Project Certificate 008 Term and Condition 54 for further information. Agnico Eagle participated in the annual Kivalliq Socio-Economic Monitoring Committee meeting in December 2022. Discussions from this meeting fed into the Socio-Economic Monitoring Report, included as Appendix 4 of Agnico Eagle's 2022 <i>Annual Report</i> . The updated Socio-Economic Monitoring Program is also included in Appendix 4 of the 2022 <i>Annual Report</i> .
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 were submitted to the NIRB March 2019. Kivalliq Projects Socio-Economic Monitoring Report was included in Appendix 4 of Agnico Eagle's 2022 <i>Annual Report</i> .
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	Active In Compliance	Active In Compliance	Whale Tail FEIS predictions are explicitly separated and assessed in the Socio-Economic Monitoring Program included in Appendix 4 of Agnico Eagle's 2022 <i>Annual Report</i> as per the T&C. Gender-specific initiatives are outlined in Chart 10 of the Socio-Economic Monitoring Report.

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	annually to the NIRB and shared with the wider KSEMC.			
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 was submitted in September 2018 as Appendix 50 of Agnico Eagle's 2018 Annual Report. No updates in the 2022 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 (2019 Annual Report 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	A teleconference with 2 representatives from the Government of Nunavut-Department of Family Services was held in 2022 to discuss the topics outlined in this T&C.
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-Economic Monitoring Reports.	Active In Compliance	Active In Compliance	The Labour Market Analysis and Inuit work barrier study was submitted March 6, 2019 and the Kivalliq Projects Socio-Economic Monitoring Program was submitted June 2019. The Labour Market Analysis found that the challenges of navigating the recruitment process was a barrier to Inuit employment. Agnico Eagle is aiming to address this through the newly launched Sanajiksanut Program. The program was launched in 2022 and aims to build a recruitment process that is inclusive and accessible to Inuit candidates. Information about the Sanajiksanut Program is found in Appendix 4 of Agnico Eagle's 2022 Annual Report.
51. Conceptual Socio-economic Closure Plan.	Plan updated as needed prior to closure with information provided annually.	Active In Compliance	Active Deficient – In Progress	The Conceptual Socio-Economic Closure Plan (March 2019) is included as Appendix 52 of Agnico Eagle's 2018 Annual Report. The Whale Tail Expansion Amendment (February 2020) of Project Certificate 008 (Amendment 001) added the requirement for a Workforce Transition Plan between the Whale Tail Project and other Agnico Eagle mines in the Kivalliq Region. In their 2022 Annual Report (body of report and Appendix 5 Socio-Economic Report), Agnico Eagle referenced their existing Conceptual Socio-economic Closure Plan (2019) but did not address the additional requirement for a Workforce Transition Plan. Given the level of public concern around

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				closure and transition planning, the NIRB is requesting that the amended portion of the condition be re-visited by Agnico Eagle.
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	Initial listing provided December 2018 and was included as Appendix 59 of Agnico Eagle's <i>2018 Annual Report</i> . There have been no updates made since this submission. In the 2021 Annual Report Agnico Eagle provided a breakdown of the Certificates.
Population Demographics				
53. Employee community of residence and relocation.	As part of SEMR annually.	Active In Compliance	Active In Compliance	Summaries of Inuit employee relocations provided in the 2022 Socio-Economic Monitoring Report included in Appendix 4 of Agnico Eagle's <i>2022 Annual Report</i> .
Traditional Activity and Knowledge				
54. Integration and incorporation of Inuit Qaujimaningit into Monitoring Plans.	Annually	Active In Compliance	Active Deficient – in progress	Refer to Project Certificate 004 T&Cs 63 and 68 and Project Certificate 008 T&C 44 for further information. Appendix 5 of Agnico Eagle's <i>2022 Annual Report</i> includes summaries of engagement activities, however little information is provided regarding specific Inuit Qaujimajatuqangit gathered and how this information is incorporated into management and monitoring plans. During the NIRB's 2023 Community Information Session held in Baker Lake in July 2023, community members expressed concerns with their inability to understand how their knowledge has been reflected in management and monitoring plans, as well as concerns with lack of follow up from Agnico Eagle after IQ was collected. In its 2021-2022 monitoring report, the NIRB identified inconsistencies with reporting on the inclusion of Inuit Qaujimajatuqangit into management and monitoring plans and this remains an outstanding concern for the 2022-2023 monitoring year.
Heritage Resources				
55. Archaeological surveys.	Annually	Active In Compliance	Active In Compliance	Archaeological Impact Assessment studies were conducted at 2 areas along the AWAR and 3 new or expanded quarries along the WTHR in 2022 by Nunami Stantec.
56. Report any archaeological site discovered.	Annually	Active In Compliance	Active In Compliance	During the Archaeological Impact Assessment studies in 2022, four archaeological sites were investigated – 3 previously

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				recorded sites and 1 newly recorded site. All information has been reported to the GN – Culture and Heritage.
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) included as Appendix 51 of Agnico Eagle's <i>2018 Annual Report</i> was intended to address T&C.
58. Subcommittee for health services in collaboration with GN.	Annually	Active Deficient - in progress	Active Deficient - in progress	A Memorandum Of Understanding (MOU) was planned for presentation since 2020 but continues to be delayed. Agnico Eagle sites COVID-19 and competing priorities as the reasons for this delay.
59. Cross-cultural training.	Annually	Active Deficient-In progress	Active Deficient-In progress	<p>Agnico Eagle put their cross-cultural training program on hold in 2022 due to the content being deemed ineffective and "Agnico Eagle-centric."</p> <p>An organization was selected as a partner for developing a new training program, and the NIRB looks forward to seeing an update on this in Agnico Eagle's <i>2023 Annual Report</i>.</p>
Community Infrastructure and Public Services				
60. Coordination of ongoing care with community health centers.	Annually	Active Deficient - in progress	Active Deficient - in progress	<p>Agnico Eagle provided an explanation of the current process for coordinating both work-related and non-work-related healthcare.</p> <p>Information was not provided on how the Government of Nunavut is involved in this process, as per the T&C.</p>
61. Home ownership and access to affordable housing and provision of financial literacy training programs.	Annually	Active In Compliance	Active Deficient – in progress	<p>In 2021 Agnico Eagle secured funding for 2021 to look at Energy Efficient Worker Housing Program. Natural Resources Canada 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>In 2022, Agnico Eagle reports that they undertook an examination of the housing challenges in Nunavut, however no information was provided about findings or progress. In addition, the financial literacy training offered by Agnico Eagle continues to be postponed since 2020.</p> <p>The NIRB looks forward to receiving more information on progress for this T&C in Agnico Eagle's <i>2023 Annual Report</i>.</p>
62. Monitor project-related pressures to community infrastructure.	Annually	Active Deficient-in progress	Active Deficient-in progress	In Agnico Eagle's Socio-Economic Monitoring Report, included in Appendix 4 of their <i>2022 Annual Report</i> , it is stated that Meadowbank and Whale Tail are largely non-reliant on the

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				community infrastructure of Baker Lake or other Kivalliq communities. Estimates of interactions with community infrastructure are provided in section 8.2 of the Socio-Economic Monitoring Report, however it does not appear that this monitoring was completed in collaboration with the GN as per the T&C and discussions of impacts to social services other than healthcare are absent. The NIRB looks forward to receiving more information on progress for this T&C in Agnico Eagle's 2023 Annual Report and the Government of Nunavut's 2024 comments.
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 In Compliance	The 2022 Mercury Monitoring Program report included water and sediment sampling in established locations in proximity to the mine. The 2022 Program also included the 2021 fish tissue data that was missing from the 2021 annual report, resulting in deficient compliance. Agnico Eagle provided an updated Mercury Monitoring Plan (version 4, March 2023).
Cumulative Effects				
64. Status of ongoing exploration and/or future phase developments.	Annually	Active In Compliance	Active In Compliance	Status update for 2022 provided in January 2023 and in Agnico Eagle's 2022 Annual Report with notes for activities in 2023.
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 and within 3 months of completion the Proponent must file an as-built report.	Not Yet Active Not Yet Applicable	Not Yet Active Not Yet Applicable	There was no widening of the Whale Tail Haul Road in 2022.
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 was relayed to the community as per the T&C, as reported in Agnico Eagle's 2022 Annual Report. NIRB staff viewed appropriate road signage during the 2023 site visit.
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	Not yet Active Not Yet Applicable	Not yet Active Not Yet Applicable	Discharge to these lakes is not currently planned.

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	approved, annual reporting required.			
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	Updates on the implementation of commitments are included as Appendix 2 of Agnico Eagle's <i>2022 Annual Report</i> .