



January 22<sup>nd</sup>, 2024

Leah Klaassen  
Technical Advisor II  
Nunavut Impact Review Board  
P.O. Box 1360  
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**Re: Agnico Eagle's response to the NIRB's 2022-2023 Annual Monitoring Report for the Meadowbank Gold Project and the Whale Tail Pit Project with Board Recommendations**

Dear Leah Klaassen,

The following information is intended to address the NIRB'S recommendations regarding the Meadowbank (03MN107) and Whale Tail (16MN056) 2022-2023 Annual Monitoring Report:

- Nunavut Impact Review Board – December 8, 2023: The Nunavut Impact Review Board's 2022-2023 Annual Monitoring Report for the Meadowbank Gold Mine and Whale Tail Pit Projects and Board Recommendations

Should you have any questions or require further information, please do not hesitate to contact us at the below.

Regards,

**Agnico Eagle Mines Limited – Meadowbank Complex**

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## 1 Board's Recommendation Meadowbank Gold Mine (03MN107) and Whale Tail Pit Projects (16MN056)

### 1.1 Dust Suppression Measures on the All-Weather Access Road

**Comment:** 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 ( $\text{CaCl}_2$ ) 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 highlights that the wording of Project Certificate 008 Term and Condition 2 and Project Certificate 003 Term and Condition 74 requires that all surface roads emitting dust must receive dust suppression measures.

Further, without specific reporting on frequency, location, or established triggers for non-chemical dust suppression measures, the NIRB is not able to evaluate these measures 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 Board also acknowledges the Government of Nunavut's (GN) role in evaluating and releasing a list of approved dust suppressants for use in the Territory, and that this guidance has not been used since 2014.

**Recommendation 1:** 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.

Within 45 days, Agnico Eagle shall also report on any research or updates to dust management that they will be using in 2024 to identify and track dust issues along the All-weather Access Road. This may include updates to all relevant plans that will be placed on the NIRB's Public Registry and Agnico Eagle's website.

**Agnico Eagle's Response:** *Agnico Eagle acknowledges Board's recommendation and will continue in 2024 to investigate alternatives dust mitigation measures and is committed to continue consultation with the community. Based on the findings or information collected, Agnico Eagle will update the relevant plans, as needed.*



*Table 4 of the Air Quality and Dustfall Monitoring Plan, already establish threshold and mitigation measures to be implemented along the roads. Agnico Eagle will provide more details on the mitigation measures' implementation based on available information in the 2023 Annual Report.*

**Recommendation 2:** Within 45 days of the issuance of this correspondence, the Board requests that the Government of Nunavut provide a response detailing any expected updates to their guidelines on dust management on unpaved roads, including the incorporation of up-to-date dust suppressant research from other jurisdictions.

**Agnico Eagle's Response:** *Agnico Eagle acknowledges Board's recommendation and will review Government of Nunavut response to dust management guidelines upon receipt.*

## **1.2 Incorporation of Inuit Qaujimajatuqangit into Monitoring and Management Plans**

**Comment:** 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 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.

**Recommendation 3:** Within 45 days of the issuance of this correspondence, 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 information is also expected to be incorporated into the 2023 Annual Report.

**Agnico Eagle's Response:** *Agnico Eagle is acknowledging Board's recommendation regarding incorporation of Inuit Qaujimajatuqangit into monitoring and management plan. In time of this correspondence, Agnico Eagle can affirm that Inuit Qaujimajatuqangit has been incorporated into our activities and operations whenever feasible, demonstrating our commitment to respecting Inuit culture.*

*For example, the Socio-Economic Monitoring Reports (SEMR) for 2022 and 2023 have incorporated and clearly identified Inuit Qaujimajatuqangit (IQ) and Inuit Societal Values (ISVs) perspectives in the interpretation and conclusion of results. The relevant methodology and framework for incorporating and considering Inuit Qaujimajatuqangit (IQ) and Inuit Societal Values (ISVs) have been outlined in the SEMR and will continue to be so.*

*The SEMR specifies instances where specific ISVs have been utilized or are relevant to the subjects under discussion. This is done to showcase Agnico Eagle's dedication to the utilization and implementation of IQ and ISVs and to initiate a move towards more comprehensive integration of IQ and ISVs in its monitoring and reporting efforts.*

*In another instance from the 2023 operations, Agnico Eagle demonstrated its commitment to respecting Inuit culture through the modification of cyanide transportation operations at the Meadowbank Complex. After conducting an information session between Agnico Eagle representatives and members of the Baker Lake community to explain the cyanide transportation procedure under the ICMC, community members expressed their necessity to maintain access to a lake for collecting fresh water, especially for Elders, during AWAR closure.*

*Upon careful evaluation of available options, Agnico Eagle personnel responsible for the transportation adjusted AWAR sections to be either closed or opened during transportation, ensuring community safety. This modification allowed the community, particularly Elders, to retain access to the land for harvesting and collecting fresh water. Throughout the transportation operations, regular communications and updates were shared with the Baker Lake Hamlet, HTO, Health Center, RCMP, and KIA. Subsequent to these communications, Agnico Eagle received positive feedback from members of the community.*

*In 2024, Agnico Eagle intends to disseminate a condensed version of the shared Inuit Qaujimajatuqangit from the preceding year. This information is expected to be shared as a component of the annual engagement activities scheduled within the community. Additionally, Agnico Eagle will actively explore suitable methods to communicate back the process of collecting and integrating Inuit Qaujimajatuqangit into its operations and activities.*



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**Recommendation 4:** Within 45 days of the issuance of this correspondence, the Board 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. If the committee is formed, please submit information regarding the meetings, Inuit Qaujimajatuqangit collected, how it was incorporated and reported back to the group and when the NIRB can anticipate the updated stand-alone plans on its Public Registry and/or posting on Agnico Eagle's website.

**Agnico Eagle's Response:** *Agnico Eagle has begun the development of a community-based dustfall monitoring program in 2022. Agnico Eagle met with Hamlet Council on February 16<sup>th</sup>, 2022 and the Baker Lake HTO on February 17<sup>th</sup>, 2022 to discuss the development of the Baker Lake Dust Advisory Group (BLDAG). The first meeting in February 2022 was to identify the groups impacted by dust generated by Agnico Eagle operations. The Baker Lake HTO were asked to identify the berry pickers. Agnico Eagle also requested names of berry pickers from the Kivalliq Elders Advisory Committee and are now engaging with a select group of berry pickers in the community of Baker Lake. In August 2022, a berry picking session was held with two harvesters to collect IQ and listen to the experiences of these individuals to assist Agnico Eagle in better mitigating potential effects of dust.*

*In 2023, Agnico Eagle continued to collaborate with the community of Baker Lake to identify some areas of concern along the road. In early September, Agnico Eagle had an open public session on the AWAR. The day after, a bus tour up to AWAR Km 65 was organized with interested Elders from Baker Lake.*

*Agnico Eagle will continue in 2024 to engage with the community of Baker Lake, more specifically, with the group of berry pickers identified as the most impacted groups. More details on activities, consultations and IQ collected will be provided in the Meadowbank Complex Annual Report.*

### 1.3 Community Engagement on the Subject of Mine Closure

**Comment:** 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.



**Recommendation 5:** Within 45 days of the issuance of this correspondence, the Board requests that Agnico Eagle provide commentary on any plans to increase public engagement on the subject of mine closure.

***Agnico Eagle's Response:*** *In 2023, as per the Whale Tail Project Certificate No. 008 Amended Terms and Conditions (TC) No. 51, Agnico Eagle advanced the recommendations of the Conceptual Socio-economic Closure Plan (CSECP). Based on the framework established in 2021, Agnico Eagle advanced the following items in Social Closure planning aligned with TC 51, to be continued in 2024:*

- *Started work on social closure studies, with delivery of final reports expected by Q2 2024;*
- *Consulted various socio-economic reports of other northern mine closures, specifically in the NWT;*
- *Implemented progressive social closure tasks;*
- *Started planning engagement activities and community consultations; will continue in 2024;*
- *Evaluated re-skilling opportunities for Inuit employees who may not be able to transfer into similar positions upon mine closure;*
- *Started development of workforce transition plan between Whale Tail Project and other mine owned and operated in the Kivalliq region.*

*Community consultations with various subgroups (youth, women, elders etc.) and consultations with Government, KIA and Hamlet representatives are planned to be initiated in 2024 and continued throughout the remaining operation period, with the following objectives:*

- *Identify current risks, and link mitigation to the implementation plans and strategies developed through detail closure planning activities;*
- *Discuss the sale or transfer of assets of benefit to Kivalliq communities;*
- *Support community priorities for economic development that reduces dependency on mining.*

*Finally, Agnico Eagle will make available the last version of the Interim Closure and Reclamation Plans for Meadowbank and for Whale Tail on its website.*





## 2 Annual Report Monitoring for Meadowbank and Whale Tail Sites

### 2.1 Areas Requiring Further Study or Changes to the Monitoring Program – Meadowbank Gold Mine

#### 2.1.1 General/Administration

**Comment:** 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 Request:** 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*.

**Agnico Eagle's Response:** *Agnico Eagle acknowledges NIRB's comment. Terms and Condition applicable to operation phase will be included in upcoming Meadowbank Complex Annual Report.*

#### 2.1.2 Update on the Appendix A Commitments

**Comment:** 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 Request:** 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.



**Agnico Eagle's Response:** *Agnico Eagle acknowledges NIRB's comment. Commitments listed in Appendix A applicable to the operation phase will be included in upcoming Meadowbank Complex Annual Report.*

### **2.1.3 Deterrence of Caribou at Tailings Storage Facility – Condition 59**

**Comment:** 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 Request:** 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.

**Agnico Eagle's Response:** *Agnico Eagle acknowledges NIRB's comment and will provide an update in the 2023 Meadowbank Complex Annual Report.*

### **2.1.4 Local area marine mammal monitors – Condition 36**

**Comment:** 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 Request:** 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.

**Agnico Eagle's Response:** *Agnico Eagle acknowledges NIRB's comment and will provide more information in the 2023 Meadowbank Complex Annual Report.*

### **2.1.5 Mitigation procedures for marine mammals – Condition 41**

**Comment:** 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



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up to several days at a time. DFO requested that any marine mammal monitoring plans should be reviewed by DFO to ensure efficacy.

**NIRB Request:** 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.

**Agnico Eagle's Response:** *The marine mammal monitoring protocol is described in the approved Marine Mammal Management and Monitoring Plan (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 or three 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 hours to mitigate observer fatigue and eyestrain. More than one dedicated marine mammal survey per day is frequently conducted during shipping, and survey effort continues to improve each year. For example, since 2020, survey effort has almost doubled, with approximately 110 survey hours (moving transects) in 2020, 2021, and 2022, compared to 62 survey hours or less in previous years. Agnico Eagle will continue to emphasize the importance of multiple surveys per day.*

*In addition, crew members are always scanning for marine mammals. 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.*

*Agnico Eagle acquires archived 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. In some cases, AIS position data is available on an hourly or sub-hourly basis, but in other cases, position data can be 12 hours or more between fixes. 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 alternative commercial AIS suppliers regularly; however, Vesseltracker remains the most reliable at this time.*

*Agnico Eagle will also continue to engage DFO on the approved Marine Mammal Management and Monitoring Plan looking ahead. Further updates on the Term and Condition will be provided in the 2023 Meadowbank Complex Annual Report.*



## **2.2 Compliance with the Meadowbank Gold Mine Project Certificate No. 004, Amendment 003 – Appendix I**

### **2.2.1 Regulatory Requirements**

**Term and Condition 1:** Adherence to the commitments from the original Final Hearing.

**Compliance Achievement 2022:** Active - in compliance

**Comment:** 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.

**Agnico Eagle's Response:** *Agnico Eagle acknowledges NIRB's comment. Commitments listed in Appendix A applicable to the operation phase will be included in the upcoming Meadowbank Complex Annual Report.*

### **2.2.2 All-Weather Access Road**

**Term and Condition - 36:** Local area marine mammal monitors onboard all vessels.

**Compliance Achievement 2022:** Active Deficient – in progress

**Comment:** Marine Mammal Management and Monitoring Plan, Version 4 (April 2022) was submitted as Appendix 56 of Agnico Eagle's 2021 Annual Report. The 2022 Marine Mammal and Seabird Observer Report was submitted in Appendix 39 of the 2022 Annual Report. 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. 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 the T&C.

**The NIRB looks forward to further information in the 2023 Annual Report.**

**Agnico Eagle's Response:** *Agnico Eagle acknowledges NIRB's comment and will provide more information in the 2023 Meadowbank Complex Annual Report.*

**Term and Condition - 40:** Traditional Knowledge from the local HTOs and Chesterfield Inlet - marine mammals, cabins, hunting, and other local activities in the Inlet.

**Compliance Achievement 2022:** Active Deficient – in progress

**Comment:** A summary of meetings with local HTOs and the community of Chesterfield Inlet can be found in Appendix 5 of Agnico Eagle's 2022 Annual Report. 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.**

**Agnico Eagle's Response:** *Agnico Eagle acknowledges NIRB's comment and will provide an update in the 2023 Meadowbank Complex Annual Report. Also refer to response provided in Section 1.2 of this document.*

**Term and Condition - 41:** Mitigation procedures for marine mammals.

**Compliance Achievement 2022:** Active Deficient – in progress

**Comment:** 2022 Marine Mammal and Seabird Annual Report included as Appendix 39 of Agnico Eagle's 2022 Annual Report. 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 for ship location data over the past three (3) monitoring years, resulting in data being missed for up to several days at a 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.**

**Agnico Eagle's Response:** *Refer to Agnico Eagle's response provided in Section 2.1.5.*

### **2.2.3 Fish and fish-habitat**

**Term and Condition – 46:** Freshwater intake pipe requirements and design.

**Compliance Achievement 2022:** Active – in compliance

**Comment:** 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.



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.

**Agnico Eagle's Response:** *Agnico Eagle acknowledges NIRB's comment. Term and Condition applicable to operation phase will be included in the upcoming Meadowbank Complex Annual Report.*

**Term and Condition – 47:** Water flow from Third Portage Lake, including consideration of alternatives.

**Compliance Achievement 2022:** Active – in compliance

**Comment:** 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.

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.

**Agnico Eagle's Response:** *Agnico Eagle acknowledges NIRB's comment. Term and Condition applicable to operation phase will be included in the upcoming Meadowbank Complex Annual Report.*

**Term and Condition – 53:** (Revised) Fish Habitat Monitoring Plan to be developed to also include Phaser Lake.

**Compliance Achievement 2022:** Active – in compliance

**Comment:** 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.

**Agnico Eagle's Response:** *Agnico Eagle acknowledges NIRB's comment. The 2023 Habitat Compensation Monitoring Report will be provided in the 2023 Meadowbank Complex Annual Report.*



#### 2.2.4 Wildlife and Terrestrial

**Term and Condition – 54 a, b, c, d:** Provide updated Terrestrial Ecosystem Management Plan including requirements for a Hunter Harvest Study.

**Compliance Achievement 2022:** Active – in compliance

**Comment:** 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.

**The NIRB is anticipating the updated version of the TEMP (Version 8) by the end of 2023.**

***Agnico Eagle's Response:*** At the in-person TAG meeting No. 15 held on November 7<sup>th</sup> and 8<sup>th</sup>, 2023, the TAG recommended the postponement of the submission of the TEMP V8 into 2024, to allow further discussion and a more robust management plan. An official recommendation was signed by all TAG members which included Agnico Eagle, KivIA, GN and the Baker Lake HTO. Additional information pertaining to the updated TEMP will be included in the 2023 Meadowbank Complex Annual Report.

**Term and Condition – 54f:** Provide updated Terrestrial Ecosystem Management Plan including requirements for a Hunter Harvest Study.

**Compliance Achievement 2022:** Active – in compliance

**Comment:** 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.**

***Agnico Eagle's Response:*** Methods and results related to waterbird surveys have been previously provided in Appendix A of the 2021 Migratory Bird Protection Report, with supplemental analysis as reported in the 2022 Migratory Bird Protection Update. The complete analysis and report on behavioural responses will be included in a second Trent University MSc Thesis manuscript, expected to be submitted in 2024.

*References for any publications produced in 2024 will be provided in the 2024 Annual Report, but otherwise reporting under the Migratory Bird Protection Plan is considered*



*complete at this time. An update will also be included in the 2023 Meadowbank Complex Annual Report.*

**Term and Condition – 54g:** Provide updated Terrestrial Ecosystem Management Plan including requirements for a Hunter Harvest Study.

**Compliance Achievement 2022:** Active – in compliance

**Comment:** 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.**

**Agnico Eagle's Response:** *Agnico Eagle acknowledges NIRB's comment. An update on the 2023 PRISM and BBS surveys efforts will be provided in 2023 Meadowbank Complex Annual Report.*

**Term and Condition – 56:** Protection of caribou migration paths, including maps developed in consultation with Elders, HTOs.

**Compliance Achievement 2022:** Active Deficient – in progress

**Comment:** 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 GNDoe on March 3, 2023.

**Therefore, the NIRB looks forward to seeing this information reflected in Agnico Eagle's 2023 Annual Report.**

**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.

**Agnico Eagle's Response:** *Agnico Eagle acknowledges NIRB's comment. Maps have been displayed and Agnico Eagle is currently working to update the map and will have it displayed once finalized.*





**Term and Condition – 59:** Deterrence of caribou at the tailings facility.

**Compliance Achievement 2022:** Active Deficient – in progress

**Comment:** 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.**

**Agnico Eagle's Response:** *Refer to Agnico Eagle's response provided in Section 2.1.3.*

**Term and Condition – 60:** Stop work policy when wildlife in the area that may be endangered by work.

**Compliance Achievement 2022:** Active Deficient – in progress

**Comment:** 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 Annual Report.

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 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.

**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.**

**Agnico Eagle's Response:** *At the in-person TAG meeting No. 15 held on November 7<sup>th</sup> and 8<sup>th</sup>, 2023, the TAG recommended the postponement of the submission of the TEMP V8 into 2024, to allow further discussion and a more robust management plan. An official recommendation was signed by all TAG members which included Agnico Eagle, KivIA, GN*



*and the Baker Lake HTO. Additional information pertaining to the updated TEMP will be included in the 2023 Meadowbank Complex Annual Report.*

**Term and Condition – 61:** Aircraft flight altitudes and corridors to avoid wildlife incorporated into TEMP and Air Traffic Management Plan. Read with term and condition 62F.

**Compliance Achievement 2022:** Active Deficient – in progress

**Comment:** 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.

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.

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.**

**Agnico Eagle's Response:** *At the in-person TAG meeting No. 15 held on November 7<sup>th</sup> and 8<sup>th</sup>, 2023, the TAG recommended the postponement of the submission of the TEMP V8 into 2024, to allow further discussion and a more robust management plan. An official recommendation was signed by all TAG members which included Agnico Eagle, KivIA, GN and the Baker Lake HTO. Additional information pertaining to the updated TEMP will be included in the 2023 Meadowbank Complex Annual Report.*

**Term and Condition - 62:** Develop and implement a noise monitoring and abatement plan to protect people and wildlife from significant mine activity noise. Read together with term and condition 61.

**Compliance Achievement 2022:** Active Deficient – in progress

**Comment:** 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.

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.



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.

**In order to re-evaluate this Term and 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.**

**Agnico Eagle's Response:** *Agnico Eagle acknowledges Health Canada's comment and will complete a noise survey campaign. Results and mitigation measures will be provided in the 2023 Annual Report.*

*Regarding TEMP update, at the in-person TAG meeting No. 15 held on November 7<sup>th</sup> and 8<sup>th</sup>, 2023, the TAG recommended the postponement of the submission of the TEMP V8 into 2024, to allow further discussion and a more robust management plan. An official recommendation was signed by all TAG members which included Agnico Eagle, KivIA, GN and the Baker Lake HTO. Additional information pertaining to the updated TEMP will be included in the 2023 Meadowbank Complex Annual Report.*

#### **2.2.5 Human Health**

**Term and Condition - 67:** Monitoring of contaminant levels in country foods through a plan developed in consultation with HC.

**Compliance Achievement 2022:** Active – in compliance

**Comment:** 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 2021 Annual Report. Version 8 of the WSLRA/Human Health Risk Assessment (HHRA) Plan (January 2023) is included as Appendix 48 of Agnico Eagle's 2022 Annual Report.

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 2023 Annual Report.**

**Health Canada provided a suggestion in response to Agnico Eagle's 2022 Annual Report to include fish and berries in country food analyses, as they are currently not analyzed.**

**Agnico Eagle's Response:** *Agnico Eagle acknowledges NIRB's comment and will be providing summary results of the 2023 assessment in the upcoming Meadowbank Complex Annual Report. Agnico Eagle will also present a revised Wildlife and HHRA Country Foods*



*Screening Level Risk Assessment Plan incorporating responses to Health Canada's recommendations ahead of the next scheduled assessment (summer 2024).*

**Term and Condition - 68:** Demonstrate incorporation of Inuit societal values into mine operation policies.

**Compliance Achievement 2022:** Active Deficient – in progress

**Comment:** Refer to Project Certificate 004 Term and Condition 63 and Project Certificate 008 Terms and Conditions 44 and 54 for further information.

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.

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.

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.**

**Agnico Eagle's Response:** *Agnico Eagle acknowledges NIRB's comment.*

*Annually, the Kivalliq operations undertake activities and develop initiatives to exemplify the incorporation of Inuit Qaujimajatuqangit and Inuit societal values into the mine's operations.*

*Consistent with the response provided in Section 1.2 (Recommendation 3) of this document, in 2024, Agnico Eagle plans to distribute a concise version of the shared Inuit Qaujimajatuqangit from the previous year. This information is anticipated to be shared as part of the annual engagement activities scheduled within the community. Furthermore, Agnico Eagle will actively explore appropriate methods to communicate the process of collecting and integrating Inuit Qaujimajatuqangit into its operations and activities.*

*The 2023 Annual Report will include details on performed work to consult with local stakeholders and demonstrate the work toward incorporating Inuit societal values into mine operations.*



## 2.2.6 Air Quality

**Term and Condition - 72:** On-site incinerators to comply with standards. Stack testing annually

**Compliance Achievement 2022:** Active – in compliance

**Comment:** 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.

**NIRB looks forward to results of the program in future annual reports.**

**Agnico Eagle's Response:** *Agnico Eagle acknowledges NIRB's comment.*

**Term and Condition - 74:** Employ environmentally protective techniques to suppress any surface road dust.

**Compliance Achievement 2022:** Active – non-compliance

**Comment:** 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).

During the 2023 Site Visit, NIRB staff confirmed that noted that Tetraflake (CaCl<sub>2</sub>) 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.

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.

**The NIRB looks forward to further information in the 2023 Annual Report.**



**Agnico Eagle's Response:** *Refer to Agnico Eagle's response provided in Section 1.2.*

### **2.2.7 Accidents and Malfunctions**

**Term and Condition - 75:** Complete list of possible accidents and malfunctions and accident risk assessment for the Project; assessment of risk/mitigation with Elders and affected communities.

**Compliance Achievement 2022:** Active Deficient – in progress

**Comment:** Accidents, malfunctions and spills were listed within Agnico Eagle's 2022 Annual Report and the following reports were referenced:

- 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)

Agnico Eagle noted in their *2022 Annual Report* that no public engagement outside the NIRB or NRB 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.

**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.**

**Agnico Eagle's Response:** *Agnico Eagle acknowledges NIRB's comment. For 2024, Agnico Eagle will explore methods to incorporate Inuit Qaujimajatuqangit into Accident and Malfunction operations in consultation with Elders and potentially affected communities.*

**Term and Condition - 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.

**Compliance Achievement 2022:** Active – in compliance



**Comment:** The NIRB notes that this T&C is not addressed in Agnico Eagle's 2022 Annual Report. Related information can be found in the programs listed below:

- Aquatic Effects Management Program (AEMP). Version 5 (April 2022); and Core Receiving Environment Monitoring Program (CREMP), (2022).

**The NIRB reminds the Proponent to address all Terms and Conditions in the annual report in order to make the report accessible and transparent.**

**Agnico Eagle's Response:** *Agnico Eagle acknowledges NIRB's comment. Term and Condition applicable to operation phase will be included in the upcoming Meadowbank Complex Annual Report.*

**Term and Condition - 77:** Review Emergency Response Plan in coordination with Hamlets of Baker Lake and Chesterfield Inlet.

**Compliance Achievement 2022:** Active – in compliance

**Comment:** T&C not addressed in Agnico Eagle's 2022 Annual Report. This T&C is covered under the PEAMP for the Meadowbank Project Certificate No. 004.

**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.**

**Agnico Eagle's Response:** *Agnico Eagle acknowledges NIRB's comment. Term and Condition applicable to operation phase will be included in the upcoming Meadowbank Complex Annual Report.*

## **2.2.8 Abandonment and Reclamation**

**Term and Condition - 80:** Updates on progressive reclamation and security posted for KIA, INAC and/or NWB.

**Compliance Achievement 2022:** Active – in compliance

**Comment:** 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 Annual Report).

**The NIRB reminds Agnico Eagle that this plan should be made publicly available on Agnico Eagle's website.**



**Agnico Eagle's Response:** *Agnico Eagle will make available the last version of the Interim Closure and Reclamation Plans for Meadowbank and for Whale Tail on its website.*

#### **2.2.9 Duty to Comply**

**Term and Condition – 86:** Duty to Comply to Project Certificate Terms and Conditions.

**Compliance Achievement 2022:** Active Deficient – in progress

**Comment:** 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.

**Agnico Eagle's Response:** *Agnico Eagle has addressed the above conditions that the NIRB has determined to be non-compliant or deficient within Section 2 of this document.*

### **2.3 Compliance with the Whale Tail Pit Project Certificate No. 008, Amendment 1 - Appendix II – 1: Board Guidance on General Regulatory and Administrative Responsibilities**

#### **2.3.1 Monitoring Records**

**Term and Condition – 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.

**Compliance Achievement 2022:** Active Deficient – in progress

**Comment:** The web portal (<https://aemnunavut.ca/media/documents/>) 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.**

**Agnico Eagle's Response:** *Agnico Eagle acknowledges NIRB's comment and will be working in 2024 to make available the latest version of management plans for Meadowbank and for Whale Tail on its website.*





### 2.3.2 On-going Engagement in Project Monitoring, Modelling, Management and Reporting

**Term and Condition – 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.

**Compliance Achievement 2022:** Active Deficient – in progress

**Comment:** Agnico Eagle cites Appendix 5 of their 2022 *Annual Report* 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.

**Agnico Eagle's Response:** *Agnico Eagle acknowledges NIRB's comment. For the 2023 Annual Report, efforts will be made to include more engagement details and information either in the consultation and public engagement appendix, or under the T&C 13 section.*

## 2.4 Compliance with the Whale Tail Pit Project Certificate No. 008, Amendment 1 - Appendix II-2: Whale Tail Pit Project Specific Terms and Conditions

### 2.4.1 Air Quality

**Term and Condition – 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. Revision: Undertake continuous NO<sub>2</sub> monitoring downwind of mining activities and comparison to CAAQS.

**Compliance Achievement 2022:** Active – in compliance

**Comment:** 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 2021 Annual Report, results were included in Appendix 50 of the 2022 Annual Report.

Agnico Eagle noted that the NO<sub>2</sub> 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 2023 Annual Report.**

**Agnico Eagle's Response:** *Agnico Eagle acknowledges NIRB's comment.*



**Term and Condition – 2:** Mitigation dust impacts on project roads. Includes dust suppression on all project roads.

**Compliance Achievement 2022:** Active Deficient – in progress

**Comment:** 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 *2022 Annual Report* 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.

In Table 8-85 of Agnico Eagle's *2022 Annual Report*, 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.

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.

**Agnico Eagle's Response:** *Refer to Agnico Eagle's response provided in Section 1.2.*

**Term and Condition – 3:** Greenhouse Gas (GHG) Reduction Plan.

**Compliance Achievement 2022:** Active – in compliance

**Comment:** Greenhouse Gas Reduction Plan, Version 3, March 2020. Preliminary results summary of the 2022 monitoring program is presented in the 2022 Annual Report with final results to be included in the 2023 Annual Report. Values are consistent with the GHG Reduction Plan (April 2020).

**Agnico Eagle's Response:** *Agnico Eagle acknowledges NIRB's comment.*

#### **2.4.2 Geological Features, Soils and Permafrost**

**Term and Condition – 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.

**Compliance Achievement 2022:** Active – in compliance



**Comment:** 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

**Agnico Eagle's Response:** Agnico Eagle acknowledges NIRB's comment related to the 2022 Annual Report.

Throughout 2023, efforts were undertaken to identify activities and initiatives aimed at improving community engagement concerning closure and reclamation plans. The specifics of these endeavors, along with the engagement plan and activities for 2024, will be outlined in the forthcoming 2023 Annual Report.

#### **2.4.3 Freshwater Aquatic Environment**

**Term and Condition – 20:** Setback distance between project quarries and borrow pits from fish-bearing or permanent waterbodies.

**Compliance Achievement 2022:** Active – in compliance

**Comment:** 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.**

**Agnico Eagle's Response:** Agnico Eagle would like to receive more information from NIRB regarding the 5 documents referred to in the comment above.

#### **2.4.4 Terrestrial Wildlife and Wildlife Habitat**

**Term and Condition – 28:** Terrestrial Ecosystem Management Plan (TEMP).

**Compliance Achievement 2022:** Active Deficient – in progress

**Comment:** 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.

**Agnico Eagle's Response:** At the in-person TAG meeting No. 15 held on November 7<sup>th</sup> and 8<sup>th</sup>, 2023, the TAG recommended the postponement of the submission of the TEMP V8 into 2024, to allow further discussion and a more robust management plan. An official



*recommendation was signed by all TAG members which included Agnico Eagle, KivIA, GN and the Baker Lake HTO. Additional information pertaining to the updated TEMP will be included in the 2023 Meadowbank Complex Annual Report.*

**Term and Condition – 29:** Collaborate with GN to collect collar data and quantify effects of project components on caribou movement.

**Compliance Achievement 2022:** Active – in compliance

**Comment:** 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 GNDoe on March 3, 2023.

**Therefore, the NIRB looks forward to seeing this information reflected in Agnico Eagle's 2023 Annual Report.**

**Agnico Eagle's Response:** *Agnico Eagle acknowledges NIRB's comment and is currently working to update the map.*

**Term and Condition – 30:** Caribou group size thresholds (GST) to trigger mitigation.

**Compliance Achievement 2022:** Active Deficient – in progress

**Comment:** 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.

**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.**

**Agnico Eagle's Response:** *At the in-person TAG meeting No. 15 held on November 7<sup>th</sup> and 8<sup>th</sup>, 2023, the TAG recommended the postponement of the submission of the TEMP V8 into*



*2024, to allow further discussion and a more robust management plan. An official recommendation was signed by all TAG members which included Agnico Eagle, KivIA, GN and the Baker Lake HTO. Additional information pertaining to the updated TEMP will be included in the 2023 Meadowbank Complex Annual Report.*

#### **2.4.5 Birds and Bird Habitat**

**Term and Condition – 34:** Migratory Birds Protection Plan.

**Compliance Achievement 2022:** Active – in compliance

**Comment:** 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.**

**Agnico Eagle's Response:** *Methods and results related to waterbird surveys have been previously provided in Appendix A of the 2021 Migratory Bird Protection Report, with supplemental analysis as reported in the 2022 Migratory Bird Protection Update. The complete analysis and report on behavioural responses will be included in a second Trent University MSc Thesis manuscript, expected to be submitted in 2024.*

*References for any publications produced in 2024 will be provided in the 2024 Annual Report, but otherwise reporting under the Migratory Bird Protection Plan is considered complete at this time. An update will also be included in the 2023 Meadowbank Complex Annual Report.*

**Term and Condition – 35:** Species at Risk - monitoring and mitigation strategies.

**Compliance Achievement 2022:** Active Deficient – in progress

**Comment:** 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 revision of the TEMP.

**The NIRB looks forward to seeing information related to this topic in the Version 8 of the TEMP.**



**Agnico Eagle's Response:** *At the in-person TAG meeting No. 15 held on November 7<sup>th</sup> and 8<sup>th</sup>, 2023, the TAG recommended the postponement of the submission of the TEMP V8 into 2024, to allow further discussion and a more robust management plan. An official recommendation was signed by all TAG members which included Agnico Eagle, KivIA, GN and the Baker Lake HTO. Additional information pertaining to the updated TEMP will be included in the 2023 Meadowbank Complex Annual Report.*

#### **2.4.6 Marine Environment including Marine Wildlife and Habitat**

**Term and Condition – 42:** Feedback opportunities for impacts of project related shipping.

**Compliance Achievement 2022:** Active Deficient – in progress

**Comment:** Appendix 5 of Agnico Eagle's 2022 Annual Report 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 Annual Report 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.

**Agnico Eagle's Response:** *Agnico Eagle acknowledges NIRB's comment.*

#### **2.4.7 Employment, Education, and Training**

**Term and Condition – 51:** Conceptual Socio-economic Closure Plan.

**Compliance Achievement 2022:** Active Deficient – in progress

**Comment:** 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 closure and transition planning;

**The NIRB is requesting that the amended portion of the condition be re-visited by Agnico Eagle.**

**Agnico Eagle's Response:** *Agnico Eagle acknowledges NIRB's comment. Throughout 2023, Agnico Eagle revisited this condition and formulated plans to deliver and implement recommendations from the Conceptual Socio-Economic Closure plan, encompassing*



*components addressing the workforce transition plan. The initiatives taken to progress these matters include evaluating re-skilling opportunities for Inuit employees who may not be able to transition into comparable positions upon mine closure. Additionally, a workforce transition plan is being developed to facilitate the transition between the Whale Tail Project and other mines owned and operated in the Kivalliq region.*

#### **2.4.8 Traditional Activity and Knowledge**

**Term and Condition – 54:** Integration and incorporation of Inuit Qaujimaningit into Monitoring Plans.

**Compliance Achievement 2022:** Active Deficient – in progress

**Comment:** 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 2022 Annual Report 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.

**Agnico Eagle's Response:** *Agnico Eagle acknowledges NIRB's comment. Agnico Eagle would refer NIRB to the response provided under section 1.2 of this document in regard to future reporting:*

*"In 2024, Agnico Eagle intends to disseminate a condensed version of the shared Inuit Qaujimajatuqangit from the preceding year. This information is expected to be shared as a component of the annual engagement activities scheduled within the community. Additionally, Agnico Eagle will actively explore suitable methods to communicate back the process of collecting and integrating Inuit Qaujimajatuqangit into its operations and activities."*

#### **2.4.9 Individual and Community Wellness**

**Term and Condition – 58:** Subcommittee for health services in collaboration with GN.



**Compliance Achievement 2022:** Active Deficient – in progress

**Comment:** 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.

**Agnico Eagle's Response:** *Agnico Eagle acknowledges NIRB's comment. Work and progression were made between Agnico Eagle and Government of Nunavut Health representatives over the course of 2023, leading to more collaboration opportunities in 2024. Details about meetings and discussions will be included in the 2023 Annual Report.*

**Term and Condition – 59:** Cross-cultural Training

**Compliance Achievement 2022:** Active Deficient – in progress

**Comment:** Agnico Eagle put their cross-cultural training program on hold in 2022 due to the content being deemed ineffective and "Agnico Eagle-centric."

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 2023 Annual Report.**

**Agnico Eagle's Response:** *Agnico Eagle acknowledges NIRB's comment. Significant progress was made in 2023 with the Cross-Cultural training program. A comprehensive update on this initiative will be provided in the 2023 Annual Report.*

#### **2.4.10 Community Infrastructure and Public Services**

**Term and Condition 60:** Coordination of ongoing care with community health centers.

**Compliance Achievement 2022:** Active Deficient – in progress

**Comment:** Agnico Eagle provided an explanation of the current process for coordinating both work-related and non-work-related healthcare.

Information was not provided on how the Government of Nunavut is involved in this process, as per the T&C.

**Agnico Eagle's Response:** *Agnico Eagle acknowledges NIRB's comment. Similar to the response provided under Term and Condition 58, work and progression were made between Agnico Eagle and Government of Nunavut Health representatives over the course of 2023, leading to more collaboration opportunities in 2024. Details about meetings and discussions will be included in the 2023 Annual Report.*





**Term and Condition 61:** Home ownership and access to affordable housing and provision of financial literacy training programs.

**Compliance Achievement 2022:** Active Deficient – in progress

**Comment:** 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.

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.

**The NIRB looks forward to receiving more information on progress for this T&C in Agnico Eagle's 2023 Annual Report.**

**Agnico Eagle's Response:** *Agnico Eagle acknowledges NIRB's comment.*

**Term and Condition 62:** Monitor project-related pressures to community infrastructure.

**Compliance Achievement 2022:** Active Deficient – in progress

**Comment:** In Agnico Eagle's Socio-Economic Monitoring Report, included in Appendix 4 of their 2022 Annual Report, it is stated that Meadowbank and Whale Tail are largely non-reliant on the 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.**

**Agnico Eagle's Response:** *Agnico Eagle acknowledges NIRB's comment.*